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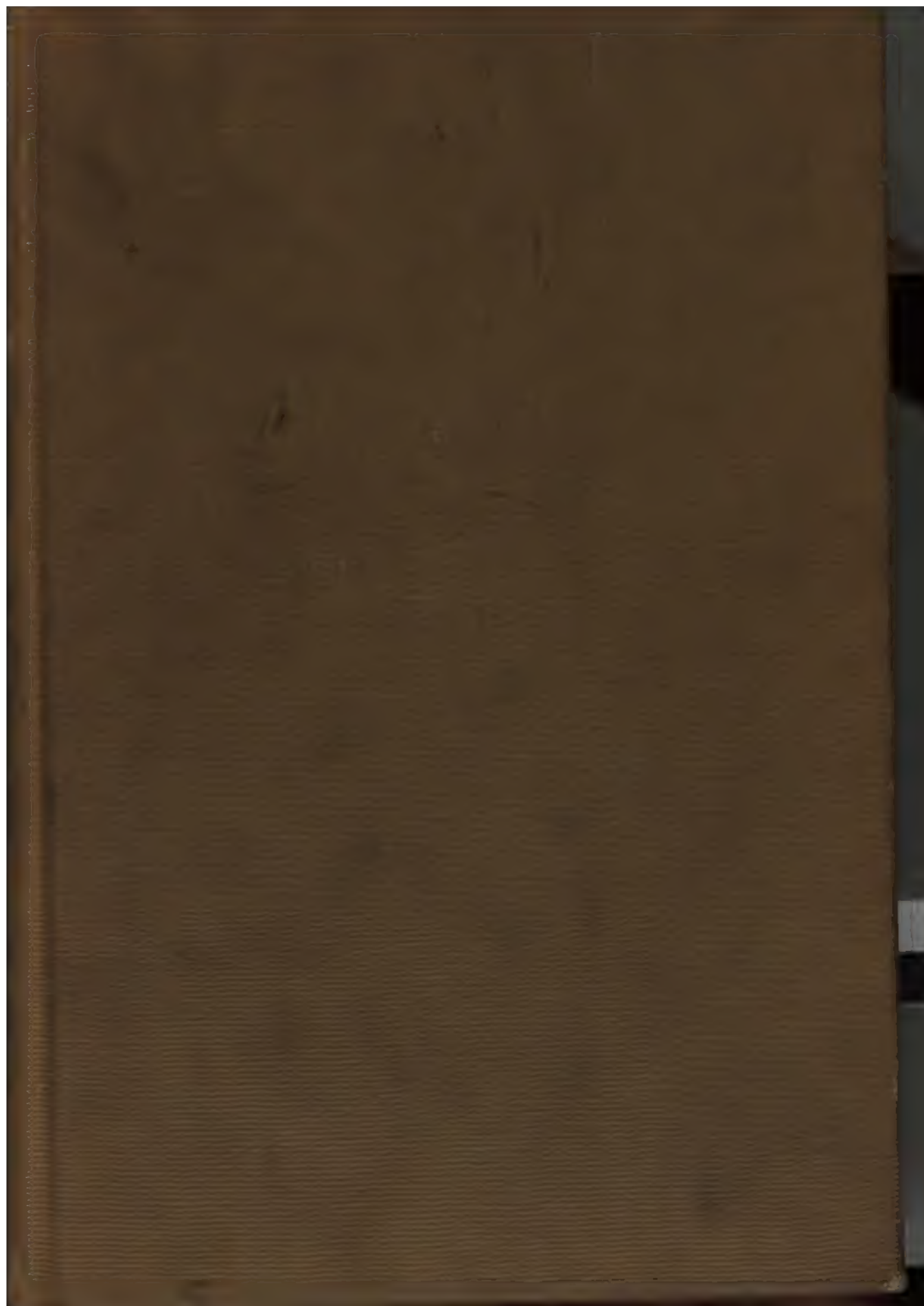
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1918

City of Chicago

Chicago Evening Post,

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Mayor.

مَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا
وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ
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L A W S

AND

O R D I N A N C E S

GOVERNING THE

CITY OF CHICAGO.

(PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL OF THE CITY.)

COMPILED AND ARRANGED BY
MURRAY F. TULEY,
Counsel to the Corporation.

CHICAGO.

PUBLISHED BY THE BULLETIN PRINTING COMPANY,
132, 134 & 136 MONROE STREET.

1873.

HARVARD UNIVERSITY LIBRARY

THE BEQUEST OF
EVERETT WILSON WILDELL
1914

US 26835.5

AN ORDINANCE

In regard to the publication of ordinances of the city of Chicago.

Be it ordained by the Common Council of the city of Chicago :

SECTION 1. That the ordinances and laws governing the city of Chicago, as compiled and arranged by Murray F. Tuley, Counsel to the Corporation, be, and the same are hereby, ordered printed and published in a bound volume, to be entitled **Laws and Ordinances Governing the City of Chicago.**

SEC. 2. This ordinance shall be in force from and after its passage.

STATE OF ILLINOIS,)

COUNTY OF COOK.)

ss.

CITY OF CHICAGO.)

I, C. T. Hotchkiss, city clerk of the city of Chicago, do hereby certify that the above and foregoing is a true copy of an ordinance, entitled "An ordinance in regard to the publication of ordinances of the city," passed by the common council of said city, July 21, 1873.

I further certify that the original ordinance, of which the foregoing is a certified copy, is by law intrusted to my custody for safe keeping and is on file in my office.

Witness my hand and the corporate seal of said city, this 25th day of July, A. D. 1873.

SEAL OF THE
CITY OF CHICAGO.

C. T. HOTCHKISS,
City Clerk.

TABLE OF CONTENTS.

PART I.

AN ORDINANCE REVISING AND CONSOLIDATING THE GENERAL ORDINANCES.

	PAGE.
I. AUCTIONS AND AUCTIONEERS	8
II. BONDS	5
III. BRIDGES	6
IV. BURIAL OF THE DEAD	9
V. CITY ATTORNEY	9
VI. CITY CONTRACTS	10
VII. COAL	10
VIII. CONCEALED WEAPONS	11
IX. DOGS	18
X. FEES OF CITY OFFICERS	16
XI. FIRE DEPARTMENT	17
XII. FIREWORKS	27
XIII. GRADES	27
XIV. GUNPOWDER AND GUN COTTON	38
XV. HARBOR	41
XVI. HAY	46
XVII. HEALTH DEPARTMENT	48
XVIII. HORSE RAILROADS	55
XIX. HOUSE OF CORRECTION	57
XX. INSPECTION OF FISH	59
XXI. INSPECTION OF GAS METERS	61
XXII. INSPECTION OF STEAM BOILERS, ETC	66
XXIII. INTELLIGENCE OFFICES	68
XXIV. JUNK DEALERS, ETC	69
XXV. LAMPS	71
XXVI. LICENSES	71
XXVII. MARKETS	73
XXVIII. MISDEMEANORS	75

	PAGE.
XXIX. NUISANCES	82
XXX. ORDINANCES	86
XXXI. PARKS AND PUBLIC GROUNDS	88
XXXII. PAWNBROKERS	91
XXXIII. PEDDLERS	93
XXXIV. PETROLEUM AND OTHER DANGEROUS LIQUIDS	94
XXXV. PLUMBERS	96
XXXVI. POLICE COURTS	97
XXXVII. POLICE DEPARTMENT	100
XXXVIII. POLICE AND FIRE TELEGRAPH	102
XXXIX. PORTERS AND RUNNERS	103
XL. POUNDS	106
XLI. RAILROADS	110
XLII. RIVER	113
XLIII. SCAVENGERS	114
XLIV. SCHOOLS	116
XLV. SCHOOL LANDS	118
XLVI. SEAL	119
XLVII. SEWERS AND DRAINS	120
XLVIII. SHOWS	122
XLIX. SIDEWALKS	123
L. SPIRITUOUS LIQUORS	128
LI. STREETS	130
LII. TREES	135
LIII. TUNNELS	136
LIV. VEHICLES	137
LV. WATER WORKS	146
LVI. WEIGHERS	148
LVII. WEIGHTS AND MEASURES	150
LVIII. WHARFING PRIVILEGES	152

PART II.

SPECIAL LAWS AND ORDINANCES

I. BENEVOLENT ASSOCIATION	157
II. BRIDGES	158
III. CHICAGO PUBLIC LIBRARY	160

	PAGE.
IV. CHICAGO ERRING WOMEN'S REFUGE AND HOUSE OF THE GOOD SHEPHERD	163
V. CITY HALL	164
VI. COUNTY JAIL AND CRIMINAL COURT	169
VII. GAS	172
VIII. HARBOR	177
IX. HEALTH DEPARTMENT	179
X. HORSE RAILWAYS	187
XI. HOUSE OF CORRECTION	235
XII. LAKE SHORE DRIVE	240
XIII. LAKE VIEW AVENUE	241
XIV. LIFE BOAT	245
XV. MILLIMAN TRACT	245
XVI. PARKS	248
XVII. RAILROADS	250
XVIII. REFORM SCHOOL	331
XIX. RIVER AND CANAL	332
XX. SCHOOL FUND	341
XXI. SCHOOL LANDS	347
XXII. SLAUGHTERING	349
XXIII. TAX LISTS	352
XXIV. TELEGRAPHS	353
XXV. TUNNELS	356
XXVI. VIADUCTS	363
XXVII. WASHINGTONIAN HOME	365
XXVIII. WATER WORKS	366
XXIX. WHARFING PRIVILEGES	369

PART III.

THE CHARTER OF THE CITY OF CHICAGO AS AMENDED.

I. CITY AND WARD BOUNDARIES	381
II. OFFICERS, THEIR ELECTION AND APPOINTMENT	385
III. POWERS AND DUTIES OF OFFICERS	392
IV. COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES	401
V. THE TREASURY DEPARTMENT	414
VI. THE BOARD OF PUBLIC WORKS	429

	PAGE.
VII. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS .	439
VIII. SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS .	458
IX. OF TAXATION	470
X. ASSESSMENT AND COLLECTION OF TAXES AND SPECIAL ASSESSMENTS	475
XI. ASSESSMENT OF PROPERTY AND THE LEVY AND COLLEC- TION OF TAXES	491
XII. THE POLICE DEPARTMENT	499
XIII. THE POLICE COURT	511
XIV. FIRE DEPARTMENT	516
XV. CHICAGO WATER WORKS	522
XVI. CHICAGO SEWERAGE WORKS AND TUNNELS	531
XVII. BOARD OF HEALTH	542
XVIII. SCHOOLS AND SCHOOL FUND	550
XIX. PUBLIC LIBRARY	557
XX. REFORM SCHOOL	560
XXI. HOUSE OF CORRECTION	567
XXII. MISCELLANEOUS AND SUPPLEMENTARY	572

APPENDIX.

OTHER LAWS AFFECTING THE CITY.

PARKS	581
ANNEXATION OF TERRITORY	617
BONDS	618
TAXES AND ASSESSMENTS	619
WATER	625
JAILS	625

PRIOR LAWS.

CEMETERY	627
COUNTY SEAT	627
STREETS	628
WHARFING PRIVILEGES	628

ADDENDUM.

LA SALLE AND CHICAGO RAILROAD	632
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PART I.

AN ORDINANCE
REVISING AND CONSOLIDATING
THE
GENERAL ORDINANCES.

AN ORDINANCE

FOR REVISING AND CONSOLIDATING THE GENERAL ORDINANCES OF THE
CITY OF CHICAGO.

WHEREAS, It is necessary, as well as expedient, that the general ordinances of the City of Chicago should be consolidated and arranged in appropriate chapters and sections; that omissions should be supplied and defects amended, and that the whole should be rendered plain, concise and intelligible; therefore,

Be it ordained by the Common Council of the City of Chicago, in manner following, that is to say:

CHAPTER 1.

AUCTIONS AND AUCTIONEERS.

SECTION.

1. Who may sell at auction.
2. Licenses—How obtained—How transferable.
3. Penalty for selling without license.
4. Jewelry, sales of—Regulated.
5. Rights of purchasers.

SECTION.

6. Penalty for substitution for articles sold.
7. False representations—Penalty.
8. Who may sell under license.
9. Agents of auctioneers bound by ordinances.
10. Street sales—When prohibited.

1. WHO MAY SELL AT AUCTION.] *Rev. Ord. 1866; amend. May 8, 1872.*
All sales of goods, chattels or personal property, at public auction, except such as are made under and by virtue of legal process, within said city, shall be made by an auctioneer, his co-partner or clerk, who shall first have obtained a license under the hand of the mayor and seal of the city, and shall also have paid therefor, to the city collector, at the rate of two hundred dollars per annum,

and shall have executed a bond, with two sureties, to said city, to be approved by the mayor, in the penal sum of one thousand dollars, conditioned for the due observance of the ordinances and regulations of the common council. All licenses to auctioneers shall be made to expire on the last day of April next after the date thereof, and shall be subject to revocation, by the mayor, whenever it shall appear to his satisfaction that the party so licensed shall have violated any provision of any ordinance of the city relating to auctions or auction sales, or any condition of the bond aforesaid.

2. LICENSES—APPLICATION FOR—HOW TRANSFERABLE.] Every person who may wish to obtain a license, as above mentioned, shall apply in writing for the same to the mayor, setting forth therein his proposed place of business and the names of his securities, and in no case shall such license be transferable, or the place of business changed, without the consent in writing of the mayor.

3. PENALTY FOR SELLING WITHOUT LICENSE.] *Rev. Ord. 1866; re-ord. May 8, 1872.* Any person or persons who shall sell, or attempt to sell, at public auction, in said city, any goods, chattels or personal property whatever, except under and by virtue of legal process, without first having obtained a license therefor, as above required, shall forfeit and pay, for each offense, the sum of fifty dollars.

4. SALE OF JEWELRY—REQUIREMENT.] *Ord. May 8, 1872.* It shall be the duty of every auctioneer who shall offer for sale any watch, plate or jewelry of any kind, to announce, to the persons present, in a loud voice, whether the same be gold, gold plate, silver, silver plate or base metal, before proceeding to sell the same. Every auctioneer who shall offer for sale any watch, plate or other jewelry, without first making such announcement shall, on conviction thereof, pay a fine of not more than fifty dollars nor less than ten dollars for each offense.

5. RIGHTS OF PURCHASER—PENALTY.] The purchaser at an auction sale of any watch, plate or jewelry shall have the right to return it to the auctioneer at any time within five days from the day of the sale, if the watch, plate or jewelry be not of the quality represented to him, and the auctioneer shall return, to the purchaser, the price of the article. Should he refuse to do so, he shall forfeit his license and be liable to a fine of fifty dollars: *And it is hereby provided*, that if it shall be made to appear, to the satisfaction of the mayor, that the place of sale, or the place of business, of any such auctioneer shall have been closed at any time, during said five days, for the purpose of avoiding an offer to return any such article so sold, the mayor shall revoke the license of such auctioneer.

6. SUBSTITUTION FOR ARTICLES SOLD—PENALTY.] Any auctioneer who shall exhibit and offer for sale at auction any article and induce its purchase by any bidder, and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder, shall forfeit his license and be liable to a fine of fifty dollars.

7. FALSE REPRESENTATIONS—PENALTY.] Any auctioneer or person being present when any watch, plate or jewelry is offered for sale, who shall knowingly, with intent to induce any person or persons to purchase the same, or any part thereof, make any false representation or statement as to the

ownership of, or the character or quality of, the article or articles so offered for sale, or as to the poverty or circumstances of the owner or pretended owner of such article or articles, shall, on conviction thereof, be subject to a fine of fifty dollars; and if such false representation is made by such auctioneer, or by any other person with such auctioneer's knowledge and consent or connivance, the license of such auctioneer shall be forfeited.

8. LICENSE—WHO MAY SELL UNDER.] Every auctioneer, at the time of receiving his license, shall file with the city clerk a writing, signed by him, designating the co-partner and the clerk mentioned in section one of this chapter, and upon any change of such co-partner or clerk shall file a like writing setting forth such change; and if any auctioneer shall permit any other person than such co-partner or clerk to sell any article at auction at the place designated in such license he shall forfeit his license, and, on conviction thereof, shall be fined fifty dollars for each offense.

9. ORDINANCE AND PENALTIES APPLY TO AGENTS.] All the provisions of this chapter shall apply to such co-partner and clerk while acting as auctioneer, and such co-partner and clerk, so acting as auctioneer, shall be subject to all the penalties hereby imposed upon auctioneers for like offenses or violation of this ordinance.

10. STREET SALES—PROHIBITED WHEN—PENALTY.] *Rev. Ord.*, 1866, § 8; *re-ord. May* 8, 1872. Any auctioneer, or other person, who shall sell, attempt to sell, or cry for sale, at public auction within any of the streets, alleys, or commons of the city of Chicago (unless by written permission of the mayor), any horses, mules or cattle, or any wagon, carriage or other vehicle drawn by any or either of the animals aforesaid, shall be deemed guilty of a nuisance, and of obstructing the streets of said city; and upon conviction shall be subject to a fine of not less than five nor more than twenty dollars for each offense.

CHAPTER 2

BONDS.

SECTION.

1. Registration of city bonds.
2. Form of indorsement—Fee for.

SECTION.

3. Indorsement of coupons—Fee for.

1. CITY BONDS—REGISTRATION OF.] *Ord. Apr.* 24, 1865. By the indorsement of the comptroller upon any bonds of the city, payable to bearer, when presented for that purpose by the owner, such bond shall become payable only to the party named in such indorsement, his assignees or legal representatives, anything on the face of such bond to the contrary notwithstanding. The affidavit of the party presenting any such bond, or his au-

thorized agent or attorney, that he is the owner thereof, shall be sufficient evidence to the comptroller of such ownership.

2. INDORSEMENT—FORM OF—FEE.] The indorsement of the comptroller may be in the following form: “By virtue of the act of the General Assembly of Illinois, the ordinances of the city of Chicago, and the consent of (A. B.) the owner of this bond, this bond is made payable only to said (A. B.), his assignees or legal representatives, anything on the face thereof to the contrary notwithstanding. (C. D.), comptroller.” A fee of fifty cents for each indorsement shall be paid by the owner of the bond into the city treasury.

3. INDORSEMENT OF COUPONS—FEE.] Coupons may also be indorsed by the comptroller in a shorter form, and a fee of ten cents charged therefor.

CHAPTER 3.

BRIDGES.

SECTION.

1. When crossing is prohibited--Resisting bridge-tender.
2. Rate of speed in crossing.
3. Limit of droves of cattle.
4. Stopping on, prohibited.
5. Vehicles to pass to the right.
6. Order of crossing by vehicles.
7. Breaking lines prohibited—Penalty for resisting officer.
8. Penalty for obstructing bridges.

SECTION.

9. Regulations for bands and processions.
10. Closing of bridge for fire apparatus.
11. Vessel signals to be maintained.
12. Vessel signals described.
13. Approach of vessels prohibited when.
14. Bridges may remain open ten minutes.
15. Rules of passage through and over.
16. Penalties prescribed.
17. Duty of harbor-master.

1. CROSSING PROHIBITED WHEN—RESISTING BRIDGE-TENDER—PENALTY.]
Rev. Ord. 1866. Any person or persons who shall drive or attempt to drive any team, wagon, dray or other carriage on or across the draw of any bridge in the city of Chicago, while the same is opening or shutting, or after the signal is given by the bridge-tender for the opening thereof and before the opening is begun, or who shall disobey or resist the tender thereof in his efforts to keep and promote order and equal convenience among those crossing the same, shall, for every offense, be fined in a sum not less than five dollars nor exceeding twenty-five dollars.

2. CROSSING—RATE OF SPEED—PENALTY.] No person shall ride, lead or drive any wagon, carriage, dray, cart, or other vehicle or conveyance, nor any horse, mare, ox, or other animal, over or across any of the bridges within the limits of Chicago, at a faster gait or pace than a common walk; and any person or persons who shall be guilty of a violation of this section, shall, for each and every offense, forfeit and pay to said city the sum of five dollars, to be recovered before any court having jurisdiction.

3. DROVES OF CATTLE OR HORSES—LIMIT OF EACH.] No person or persons shall drive or assist in driving on or across any one of the bridges within the city, to exceed eight head of cattle or horses, at any one time, in a drove;

and any person violating the provisions of this section shall forfeit and pay, for each offense, a penalty of not less than two dollars, nor exceeding twenty-five dollars, in the discretion of the magistrate convicting.

4. STOPPING ON—PENALTY.] If any person or persons shall unnecessarily or wilfully remain or stop with any team or teams, horses, oxen, wagon, sleigh, sled, or any other vehicle whatever, upon any of the bridges within the city of Chicago, or in and upon the approaches to any such bridge, such person or persons shall, on conviction thereof, be fined in the sum of five dollars for each offense.

5. VEHICLES TO KEEP TO THE RIGHT.] It shall be the duty of all drivers or persons in charge of any wagon, dray, carriage, or vehicle of any kind, to keep to the right when crossing the bridges upon the Chicago river and its branches.

6. ORDER OF CROSSING BY VEHICLES.] When a bridge has been opened and closed, the teams and vehicles shall cross in the following order, to-wit: Those occupying the street upon which the bridge is situated shall cross first; those occupying the cross streets, and upon the right hand side of the bridge, shall cross next, and those occupying the cross streets, and upon the left hand side of the bridge, shall cross next.

7. BREAKING LINES—RESISTING OFFICER—PENALTY.] No person shall cross, or attempt to cross, or break into, the line of teams or vehicles while crossing or attempting to cross any bridge, nor shall any person disobey or resist any officer in charge of any bridge or crossing within said city, and whoever shall be guilty of violating any of the provisions of this or the two foregoing sections, shall be liable to a penalty of not less than five nor more than twenty-five dollars; and also for all damages that may result to the bridge or any individual, or property of any person, by reason of such violation, to be recovered before any court having competent jurisdiction.

8. OBSTRUCTION OF BRIDGES—PENALTY.] No person or persons shall gather in assemblies or crowds on any of the bridges of this city, or the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages or persons across the same, or be and remain upon any of the sidewalks or main passages of any of the bridges of this city, nor upon the railings of the said bridges, longer than will be necessary to pass over the same, under a penalty of five dollars for every such offense.

9. BANDS AND PROCESSIONS TO BREAK STEP—PENALTY.] No band of musicians shall play, or beat time, or keep step with each other, while they or any procession, or body of persons marching with them, or any portion thereof, are upon or crossing any bridge in this city, under a penalty, upon the leader or director of such band, of not less than five dollars, nor more than twenty-five dollars.

10. BRIDGE TO BE CLOSED ON APPROACH OF FIRE APPARATUS—WHEN.] Whenever at any alarm of fire, any fire engine, hose cart or other fire apparatus shall approach any bridge, for the purpose of crossing the same toward such fire, the bridge-tender shall, if such bridge is open, close the same as soon as practicable, or if closed, and after the same is closed, keep it closed, until such engine, hose cart or other fire apparatus shall have had an opportunity to pass over said bridge, notwithstanding vessels may thereby

be delayed, under a penalty for a failure to comply with this section of not less than ten dollars, nor more than one hundred dollars.

11. VESSEL SIGNALS TO BE MAINTAINED.] *Ord. Apr. 22, 1867.* The board of public works of the city are hereby required to provide and maintain at the several bridges over the Chicago river and its branches, in the best and most practicable manner, vessel signals as required by section twelve of this chapter.

12. SIGNALS—NATURE OF DESCRIBED.] Said signals shall be of material of a red color for use in the day time, and shall be of such size and so placed, when elevated, that they may be readily seen up or down the river. The signal for the night time shall be a red lantern of such size and so placed and arranged, when elevated, as to be seen easily up or down the river.

13. APPROACH OF VESSELS—PENALTY.] It shall be unlawful for the owner or owners, officer or officers, or other person or persons in charge of any vessel or vessels navigating the Chicago river or its branches, or any part thereof, to attempt to pass any of the bridges over the said river, or its branches, while said signal or signals are up or elevated, or to approach so near to any of said bridges at such times as that the same may be injured or damaged, or while the said bridges, or any of them, may be opening or closing.

14. TEN MINUTES DELAY ALLOWED.] Bridge-tenders or persons in charge of the bridges shall not close the same against vessels seeking to pass through until passengers, teams or vehicles have been delayed full ten minutes by the bridges being open.

15. ALTERNATION OF PASSAGE THROUGH AND OVER.] Whenever, between the hours of six o'clock in the morning and seven o'clock in the evening, persons, teams or vehicles have been delayed at said bridges fully ten minutes, by reason of said bridges being open for vessels to pass, it shall be the duty of the bridge-tenders, or other persons in charge of the bridge or bridges, to display said signal and immediately close the same, and keep the same closed, for fully ten minutes, for such persons, teams or vehicles to pass over, if so much time shall be required, when the same shall be opened again and kept open (if necessary for vessels to pass) for the like period and so on alternately (if necessary) during the hours aforesaid.

16. PENALTY.] Any person or persons who shall violate any of the provisions of sections 11, 13, 14 or 15 of this chapter, in addition to being chargeable with whatever damage may result to the city by reason of any such violation, shall also be subject to a penalty, for each and every such violation, of one hundred dollars, and in case the same person or persons violate such provisions, or any of them, a second or more times, in addition to the penalty or fine authorized as aforesaid, the court before which the trial is had may also imprison such offender or offenders not exceeding three months in the house of correction.

17. HARBOR-MASTER TO SUPERVISE ENFORCEMENT.] It shall be the duty of the harbor-master, so far as in his power, to see that the provisions of this chapter are fully and faithfully observed, and, when necessary, he shall call on the superintendent of police for aid to enable him to do so.

CHAPTER 4.

BURIAL OF THE DEAD.

SECTION 1. Intra-mural interment prohibited—Penalty.

1. **INTRAMURAL INTERMENT PROHIBITED—PENALTY.]** *Ord. May 28, 1866; re-passed Dec. 20, 1866.* Hereafter it shall be unlawful for any person or persons to bury any body or bodies in either of the cemeteries in the north division of the city of Chicago, or within the corporate limits of said city, or to deposit any such body or bodies in any vault in said cemeteries, or within the limits of said city. Any person who shall violate the provisions of this section, shall be liable to a fine of one hundred dollars for each and every such violation.

CHAPTER 5.

CITY ATTORNEY.

SECTION 1. Duty of city attorney as to reporting.

1. **CITY ATTORNEY TO MAKE SEMI-ANNUAL REPORT.]** *Rev. Ord. 1866.* In addition to the other duties of the city attorney, it shall be his duty, in the months of January and July, in each and every year, to report in writing to the common council a list of all suits instituted and pending in courts of record in which the city of Chicago is plaintiff or defendant, in which report shall be stated the names of all defendants and plaintiffs, the nature of the actions, the date of the commencement and the several steps that may have been taken in court during his term of office to bring such suits to final issue, to be accompanied with such explanatory remarks as said attorney may see fit to append—to the end that the common council may be kept more fully advised as to the legal affairs of the city. He shall also attach to his said report a list of all such cases as may have been disposed of during his term of office and subsequent to his last report, together with their results; said reports shall be made up to the first days of January and July in each year.

CHAPTER 6.

CITY CONTRACTS.

SECTION.

1. Bids for contracts to be filed. \

SECTION.

2. Specifications to be made—Changes.

1. CONTRACTS—BIDS TO BE FILED.] *Ord. July 23, 1866.* Whenever, in any department of the city government, competition is invited for bids, by advertisement in the corporation newspaper, or otherwise, the original bids received by the department calling for the same shall, after the opening of the same, be filed in the office of such department and remain subject to the examination of all persons feeling an interest therein.

2. SPECIFICATIONS TO BE MADE—CHANGES PROVIDED FOR.] *Ord. June 6, 1870.* Whenever any department of the city government shall advertise for bids for any public improvement, or for material, there shall be prepared full and complete specifications for the same, and the bids accepted thereon shall be all the compensation paid for said improvement or material: *Provided, however,* that if it becomes necessary to make any changes in the original specifications, the price to be paid therefor shall be agreed upon before the making of the same; and if the expenses of said changes do not exceed five hundred dollars the same shall be submitted by the department making the change, to the mayor, comptroller and finance committee of the common council, for their approval, and if the amount thereof exceeds five hundred dollars, it shall be laid before the common council for their approval.

CHAPTER 7.

COAL.

SECTION.

1. Rights of purchasers of.
2. A ton described.

SECTION.

3. Penalty for short weight and deceit.

• 1. PURCHASERS—RIGHTS OF.] *Ord. May 12, 1871.* Each and every person, firm, or corporation engaged in the business of selling coal in the city of Chicago, to be delivered within said city, shall either produce and deliver

to the purchaser, at the time of the delivery of the coal purchased, a certificate signed by a weigher duly appointed under the charter and ordinances of said city, showing the weight of the coal so delivered; or the seller of said coal shall, at the time and place of the delivery thereof, weigh, or cause to be weighed, the coal so delivered, which weighing shall be done in the presence of the purchaser, or his, or her, or their agent, if he, she, or they shall desire or see fit to be present.

2. A TON, TWO THOUSAND POUNDS.] Every person, firm, or corporation purchasing a ton of coal shall be entitled to receive two thousand pounds (and a proportionate amount for any portion of a ton purchased), and every person, firm or corporation shall deliver two thousand pounds of coal for each ton purchased from such person, firm, or corporation, and a proportionate amount for any part of a ton so purchased.

3. PENALTY.] Every weigher who shall be guilty of giving a false certificate as to the number of pounds of coal weighed by him, as provided in section one, and every person, firm, or corporation who shall neglect or refuse to comply with any provision of this chapter, or who shall deliver to any purchaser a less quantity than two thousand pounds of coal for each ton purchased (or a proportionate amount for any part of a ton), or who shall practice any fraud or deceit in the sale or delivery of any coal purchased, to be delivered in said city as aforesaid, shall, upon conviction by any court having jurisdiction, be fined in a sum of not less than twenty dollars, nor more than fifty dollars, for each offense, which fine shall be paid into the treasury of said city.

CHAPTER 8.

CONCEALED WEAPONS.

SECTION.

1. Carrying of concealed weapons prohibited.
2. The penalty of confiscation.
3. Further penalty—Arrest without warrant.
4. Upon complaint made forthwith summons to issue.

SECTION.

5. Form of writ.
6. Service of writ prescribed.
7. Proceedure—Form of judgment.
8. Penalty for carrying concealed weapons.
9. Police force exempted.

1. CONCEALED WEAPONS—CARRYING OF, PROHIBITED.] *Ord. Aug. 17, 1871.* All persons within the limits of the city of Chicago are hereby prohibited from carrying, or wearing under their clothes, or concealed about their person, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, or dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon.

2. PENALTY — CONFISCATION.] Any such weapon or weapons duly adjudged by any police magistrate, or justice of the peace of said city, to

have been worn or carried by any person, in violation of section one of this chapter, shall be forfeited or confiscated to the said city of Chicago.

3. FURTHER PENALTY—ARREST WITHOUT WARRANT.] Any policeman of the city of Chicago may, within the limits of said city, without a warrant, arrest any person or persons whom such policeman may find in the act of carrying or wearing under their clothes, or concealed about their persons, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, or dagger, or any other dangerous or deadly weapon, and detain him, her, or them in the city jail or armory until a summons or warrant can be procured on complaint made (under oath or affirmation) for the trial of such person or persons, and for the seizure and confiscation of such of the weapons, above referred to, as such person or persons may be found in the act of carrying or wearing under their clothes, or concealed about their persons.

4. FORTHWITH SUMMONS TO ISSUE ON COMPLAINT UPON OATH.] Upon complaint made, under oath or affirmation, to any magistrate or justice of the peace in said city, that any person has been guilty of violating any of the provisions of section one of this chapter, a summons or warrant shall issue for the summoning or arrest of the offender or offenders, returnable forthwith; upon the return of such summons or warrant, such magistrate or justice shall proceed to the hearing and determination of the matter, and if it shall be adjudged that such person or persons has or have incurred any of the penalties fixed by this chapter, such magistrate, or justice of the peace, shall order that the weapon or weapons, concerning the carrying or wearing of which such penalty shall have been incurred, shall be kept and detained until it shall be adjudged whether or not such weapon or weapons shall be confiscated to the city of Chicago.

5. WARRANT—FORM OF.] Upon any judgment having been rendered for a violation of any of the provisions of section one of this chapter, or upon complaint made under oath or affirmation, that any such weapon or weapons has [or have] been worn or carried, or is being worn or carried, by any person or persons in violation of section one of this chapter, the magistrate, or justice of the peace acting as a police justice, or other officer authorized by law to receive such complaint shall enter the cause on his docket as follows :

The city of Chicago vs. (here describe the weapon or weapons by general description); and shall thereupon issue a writ which shall be in form, as nearly as may be, as follows, viz. :

STATE OF ILLINOIS, }
Cook County. } ss.

The city of Chicago vs. (here describe the weapon or weapons by general description).

To _____ (here name the person accused, or who shall have been convicted as aforesaid) and all other persons interested :

You are hereby commanded to appear before me, at my office in Chicago, No. — — Street (which day shall not be less than ten nor more than thirty days from the date of such writ), at the hour of ——— a. m. (or p. m.), and show cause, if any you have, why the weapon described in the caption hereof shall not be confiscated to the city of Chicago, in accordance with the provisions of an ordinance concerning the carrying of concealed weapons, and the confiscation of such weapons. ——— constable, or any other constable, of said county is hereby commanded to cause due service of this writ to be made, copies thereof to be duly posted, and to make due return of this writ as required by law ; and also to seize and hold the said weap-

one until it shall be adjudged whether or not the same shall be confiscated to the said city of Chicago.

Given under my hand and seal of office this — day of — A. D. —.

[SEAL.]

6. WARRANT—HOW SERVED.] The officer receiving said writ shall cause one copy of said writ to be posted, for at least five days prior to the day therein mentioned for the hearing, at the court house door of said city, one copy at the office of the justice or officer issuing said writ, and a like copy at two other public places in said city. He shall serve the person in such writ named, by leaving one copy thereof with such person or persons, and reading the same to such person or persons, at least five days before the day fixed for such hearing and shall make due return of such writ.

7. PROCEDURE—FORM OF JUDGMENT.] Upon the return of any such writ, duly served in accordance with the preceding section, the officer issuing the same shall proceed, at the time designated in said writ, to the hearing of the cause, and shall hear all persons who may desire to be heard touching the matter; and if, upon such hearing, such magistrate or justice of the peace shall find that such weapon or weapons shall have been worn or carried in violation of section one of this chapter, he shall enter an order that the same be confiscated to the city of Chicago, and that "the same be delivered to the officer known as the custodian of stolen property," for safe keeping.

8. PENALTY FOR CARRYING CONCEALED WEAPON.] Any person who shall be adjudged to have violated any of the provisions of section one of this chapter shall pay a fine not exceeding one hundred dollars, or be imprisoned in the house of correction, for a term not exceeding six months, or both, in the discretion of the magistrate or court before whom such conviction shall be had.

9. EXEMPTION AS TO POLICE FORCE.] The prohibitions of this chapter shall not apply to the officers or members of the police force of said city, when on duty.

CHAPTER 9.

DOGS.

SECTION.

1. Registration of dogs.
2. Taxation of—Payable when.
3. Duty of dog owner.
4. Metallic plates to be provided.
5. Use of metallic plates.
6. Penalty for violation.
7. Duty of police and pound-keeper—Fee to receive.

SECTION.

8. Pound fee—Report of.
9. Payment to impounders.—Penalty for fraud.
10. Penalty for dangerous dogs at large.
11. Same as to dogs in heat.
12. To be muzzled, when.
13. Proceeding where dogs bite.
14. Penalty for violation of order to slay.

1. DOGS—REGISTRATION OF.] *Ord Aug. 7, 1871.* Hereafter no person shall be permitted to have or keep in his possession, within the limits of the city of Chicago, any dog over the age of three months, unless such person,

or the owner thereof, shall have caused the same to be registered, and the tax upon such dog, imposed by this chapter, to be paid.

2. TAX PRESCRIBED—WHEN PAYABLE.] The tax on every dog in the city of Chicago, over the age of three months, is hereby fixed at two dollars for each year, commencing with the first day of January in each year, to be paid by the owner or person or persons having or keeping such dog, to the city clerk, for the use of the city of Chicago.

3. DOG OWNER—HIS DUTY.] It shall be the duty of all persons residing in this city, who shall own, have or keep, as aforesaid, any such dog, within thirty days after the first day of January of each year, to cause such dog to be registered (by name, if any, and general description) in the office of the city clerk, in a register for that purpose, to be kept by the city clerk, and to pay said tax, or—if less than eleven months then remain of the calendar year—then in proportion to the time that shall remain of the year, and obtain the city clerk's receipt for the tax so paid; also to obtain from such clerk the metallic plate hereinafter required to be furnished to said clerk by the city comptroller, under the penalties hereinafter provided.

4. METALLIC PLATES—TO BE PROVIDED.] It shall be the duty of the city comptroller to provide such number of metallic plates as may be necessary, of such size and shape as he shall deem expedient (the shape to be changed each year), having stamped thereon numbers indicating the year for which the tax is paid and the letters C. D. T., and deliver the same to the city clerk; and it shall be the duty of the city clerk to deliver one of such metallic plates to the person so paying a tax upon any such dog.

5. METALLIC PLATE—ITS USE.] It shall be the duty of such owner or person having or keeping in possession any such registered dog, to place, or cause to be placed, around the neck of such dog, a collar, and on or to such collar to attach, or cause to be attached, with a metallic fastening, the metallic plate so furnished by the city clerk; and if any person shall place or cause to be placed upon a collar around the neck of any such dog any counterfeit of the metallic plate so furnished by said city clerk, or any such metallic plate, without the tax upon any such dog having first been paid, he, she, or they shall be liable to the penalties hereinafter provided.

6. VIOLATION—PENALTY.] Any person violating or failing to comply with any of the foregoing provisions of this chapter, on conviction thereof, shall be fined in a sum not less than five nor more than fifty dollars for each offense, in the discretion of the justice or court before whom such conviction shall be had.

7. DUTY OF POLICE—POUND-KEEPER—REDEMPTION FEE.] It shall be the duty of the superintendent of police, his assistants, of all policemen, and of all pound-masters in the city of Chicago, to take up and impound in any city pound in which cattle are authorized to be impounded, any dog found in the city of Chicago not having a collar around its neck with the metallic plate aforesaid attached thereto, and if such dog shall not be redeemed, as hereinafter provided, within four days after such dog shall have been impounded, it shall be the duty of the pound-keeper of the said pound, wherein such dog shall be impounded, to slay or cause the same to be slain: *But it is hereby provided, that any such dog, so impounded, may be redeemed or taken*

from said pound upon exhibiting to such pound-keeper a receipt of the city clerk, showing that the tax hereby imposed has been paid for such dog and the payment to such pound-keeper of a pound fee of three dollars, and also twenty cents per day for each and every day such dog shall have been impounded.

8. POUND FEE—REPORT OF.] Every such pound-keeper is hereby authorized to collect a pound fee of three dollars upon every such dog that shall be so impounded, and twenty cents per day for every such dog that shall be so impounded; and every such pound-keeper shall keep a register of such dogs, and shall account for and pay into the city treasury all moneys received under this chapter, in the same manner that he is required to account for and pay over other moneys received by him as such pound-keeper.

9. FEE TO IMPOUNDERS—PENALTY FOR FRAUD.] *Ord. Aug. 7, 1871; amend. Aug. 12, 1872.* It shall and may be lawful for every such pound-keeper to pay to any person (other than members or assistants of the police force and pound-masters) bringing to such pound any dog liable to be impounded, the sum of fifty cents out of any moneys that come into his possession under this chapter; but any person or persons who shall remove the collar with the metallic plate attached thereto, required by this chapter to be worn around the neck of such dog, from the neck of any dog, for the purpose of causing such dog to be impounded, or who shall cause to be impounded any such dog, knowing that the collar has been removed from such dog for the purpose of causing the same to be impounded, or any person who shall bring any dog into the city for the purpose of causing the same to be impounded, shall, on conviction thereof, be fined not less than ten nor more than fifty dollars, in the discretion of the justice or court before whom such conviction shall be had.

10. DANGEROUS DOGS AT LARGE—PENALTY.] *Ord. Aug. 7, 1871.* If any owner or possessor of a fierce or dangerous dog shall permit the same to go at large in the city, to the danger or annoyance of any of the inhabitants, he, she, or they shall forfeit and pay, for the first offense, a sum not exceeding ten dollars; and upon a second conviction of the same offense, the superintendent of police shall immediately cause the dog upon account of which the conviction takes place, to be slain and buried.

11. DOG IN HEAT AT LARGE—PENALTY—"DOG" DEFINED.] If any owner or possessor of any female dog shall knowingly permit her to run at large while in heat, he, she, or they shall forfeit and pay the sum of ten dollars; and it shall be the duty of the police of the city to slay, or cause to be slain, any female dog running at large at such a time, and its body to be buried. The word dog, whenever used in this chapter without qualification, shall be intended to mean a female as well as a male dog.

12. PROCLAMATION TO MUZZLE—PENALTY.] Whenever it shall be made to appear to the mayor that there are good reasons for believing that any dog or dogs within the city are mad, it shall be the duty of the mayor to issue a proclamation requiring that all dogs shall, for a period to be defined in the proclamation, wear a good and substantial wire gauze or leathern muzzle, securely put on, so as to prevent them from biting; and any dog going at

large, during the period defined by the mayor, without such muzzle, shall be killed and buried, or the carcass otherwise disposed of; and it shall be the duty of the police, and such other persons as the mayor may designate, to carry out the provisions of this section.

13. DOG BITING—PROCEEDING.] *Rev. Ord. 1866, § 8.* Whenever affidavit shall be made before either of the justices of a police court of the city of Chicago, that any dog has bitten a person in said city, and that the person so bitten was not, at the time, trespassing upon the person or property of the owner or possessor of said dog, the said justice shall issue an order directing the owner or possessor of said dog to kill him within forty-eight hours after having received such order.

14. VIOLATION OF ORDER TO SLAY—PENALTY.] The owner or possessor of any such dog who shall refuse or neglect to kill him within forty-eight hours after having received such order, shall be fined in any sum not exceeding twenty-five dollars, and the further sum of two dollars for every twenty-four hours thereafter, until such dog shall be killed. And it shall be the duty of any police officer to destroy said dog, whenever he shall be found at large in said city, forty-eight hours after the service of said order.

CHAPTER 10.

FEES OF CITY OFFICERS.

SECTION 1. Fees authorized to be charged.

1. FEES TO BE COLLECTED.] *Rev. Ord. 1866.* Any city officer upon whom the duty devolves is hereby authorized to demand and receive as fees, for the use of the city (except where provision is herein made to the contrary):

For issuing each license, one dollar.

For transferring each license, one dollar.

For taking bond on such transfer, one dollar.

For each deed for real estate issued by the city, two dollars.

For the use of the corporate seal on any attestation, acknowledgment or other certificate, fifty cents.

For each certificate not under the corporate seal, twenty-five cents.

Administering oath and attesting the same, twenty-five cents.

For canceling each tax or other certificate of sale, twenty-five cents.

For certified copies of any record, each seventy-two words, twenty-five cents.

CHAPTER 11.

FIRE DEPARTMENT.

SECTION.

1. Fire limits established—No building without permit—Proceeding to extend.
2. Construction of buildings provided for.
3. Prohibited uses of buildings—Removal of combustibles—Prohibited manufactures.
4. Wooden buildings—Their removal or repair.
5. Sheds and privies—Depositories of ashes.
6. Damage to wooden buildings—How estimated.
7. Penalties.
8. Wooden buildings, when a nuisance.
9. Stove-pipes and chimneys regulated.
10. Lights and fires in stables, etc.
11. Shavings etc., shop stoves etc., regulated.
12. Removal of chips, shavings, etc.
13. Carrying fire prohibited, when.
14. Deposit of ashes.
15. Construction and alteration of chimneys.
16. Foundation of chimneys prescribed.
17. Construction of chimneys in lofts.
18. Guards for stove-pipes.
19. Construction of chimneys for steam-works.
20. Stacking of hay, etc.

SECTION.

21. Burning of hay, shavings, etc.
22. Prohibition of lumber-yards.
23. Closing of hatchways, cellar openings, etc.
24. Misuse of fire apparatus.
25. Removal or destruction of buildings at fires.
26. Barriers and limits at fires.
27. Power of fire marshal at fires—Penalty for disobedience.
28. Fire marshal's authority over licensed vehicles.
29. Penalty for hindering firemen.
30. Disorder at fires—Power of fire marshal to arrest.
31. Speed of fire apparatus on return from fire.
32. Crossing fire hose.
33. Removal of property at fires.
34. Removal of property from ruins—When prohibited.
35. Penalty for removing property from ruins without consent.
36. Enforcement specially provided for.

1. FIRE LIMITS DESCRIBED—NO BUILDING WITHOUT PERMIT—FEE—PROCEEDING TO EXTEND.] *Ord. Feb. 12, 1872.* The fire limits of the city of Chicago shall begin at the water line of the shore of Lake Michigan, at the commencement of Thirty-ninth street; thence running west on the centre line of said street to the west line of the lots fronting east on State street; thence north on the west line of said lots to the south line of the lots fronting north on Twenty-sixth street; thence west along the south line of said lots to the centre of the Pittsburgh, Fort Wayne and Chicago railway tracks; thence north along said centre line to the south line of the lots fronting north on Twenty-second street; thence west along the south line of said lots to the west line of the lots fronting east on South Jefferson street; thence north along the west line of said lots, to the centre line of the Chicago, Burlington and Quincy, and Chicago and Northwestern railway tracks; thence west along said centre line, to the west line of the lots fronting east on Throop street; thence north along the west line of said lots, to the south line of the lots fronting north on Twelfth street; thence west along the south line of said lots, to the west line of the lots fronting east on Ashland avenue (Reuben street); thence north along the west line of said lots to the south line of the lots fronting north on West Van Buren street; thence west along the south line of said lots to the west line of the lots fronting east on Western avenue; thence north, along the west line of said lots, to the north line of the lots fronting south on West Lake street; thence east, along the north line of said lots, to the west line of the lots fronting east on

Ashland avenue; thence north, along the west line of said lots, to the north line of the lots fronting south on West Indiana street; thence east, along the north line of said lots, to the west line of the lots fronting east on North Carpenter street; thence north, along the west line of said lots, to the north line of the lots fronting south on Chicago avenue; thence east, along the north line of said lots, to the west line of the lots fronting east on North Wells street; thence north, along the west line of said lots, to a point one hundred and twenty-five feet southwest of the intersection of said North Wells street with Lincoln avenue; thence northwesterly, along a line one hundred and twenty-five feet from, and parallel to, said Lincoln avenue, to the centre of Fullerton avenue; thence east on the centre line of said avenue, to Lake Michigan; thence southerly, bounded by Lake Michigan, to the place of beginning. The lot lines herein mentioned shall be taken and held to be the lines of said lots, as shown by the recorded plat or plats thereof.

No building shall hereafter be erected within said fire limits unless a permit for the erection thereof shall have first been obtained from the board of public works of said city: *Provided, however*, that the fee for issuing such permit shall not exceed fifty cents.

Whenever the owners of a majority of the street frontage of any block or square, which is not included within the fire limits as prescribed by this chapter, shall present to the board of public works of said city a plat of such block or square, designating the owners (if known) of each and every lot, or part thereof, together with a statement in writing, signed by the owners (or their lawful attorneys) of a majority of such street frontage, stating the fact of such ownership, and that they, such owners, desire that such block or square shall be included within the "fire limits" of said city, it shall be the duty of said board to investigate the said statement, and if they find that such statement has been signed by a majority of the owners (or their lawful attorneys) of the street frontage of said block or square, the said board shall so certify on such written statement, and shall cause such statement and plat to be filed in the city clerk's office. The city clerk shall thereupon give a notice in the corporation newspaper that such block or square has been admitted within the "fire limits" of said city, and is subject to the provisions of this chapter. Upon the filing of such statement and plat (so certified) with the city clerk, and the publication of such notice for the same time as required for the publication of this ordinance, the fire limits of the city shall be held to be extended so as to include such block or square, and all the provisions of this chapter shall extend to and be in force so far as such block or square is concerned.

2. BUILDINGS IN FIRE LIMITS—CONSTRUCTION PRESCRIBED—THICKNESS OF WALLS.] No building or structure of any kind or description shall be erected or constructed within the fire limits as defined in section one of this chapter, unless the outside and party walls thereof shall be composed of brick, stone, iron, or other incombustible material, and all buildings which shall, or may hereafter, be erected or constructed within said fire-limits, shall have outside walls of not less than one foot in thickness; and if any building shall be more than two stories in height (above the basement), the outside walls of the basement and first story shall not be less than sixteen

inches in thickness; and the walls of the stories above the second shall not be less than twelve inches in thickness, and, with the exception of the front walls, shall extend at least twelve inches above the roof: *Provided*, that buildings erected and used as dwellings only may be constructed with walls in all cases four inches less in thickness than is hereby above specified: *And provided, further*, that any building, cottage, or barn, one story in height may be built with walls not less than eight inches thick, and that brick buildings, of one story, not exceeding sixteen feet in height, with walls resting on wooden sills placed not to exceed one foot above the ground, may be erected on streets where there are no sewers.

Every building hereafter erected, in which partition walls supporting floor beams may be required, except churches, theaters, or other public buildings, shall have one or more stone, brick or fire-proof partition walls, which, when built of brick, may be four inches less in thickness than as first above specified: *Provided*, they are not more than sixty feet in height, or, in place of walls, there shall be brick piers, iron or wood columns, with girders sufficient to carry the weights of the floor with their super-imposed weights.

In all buildings, over twenty-five feet in width, and not having either brick partition walls, or girders supported by columns or piers, the walls shall be increased an additional four inches in thickness for every additional ten feet in width of said building or any portion thereof.

In every brick wall at least every sixth course shall be a heading course, except where walls are faced with pressed brick, in which case every fifth course shall be bonded into the backing, by cutting the course of the face brick and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same by a continuous course of headers. In all walls that are faced with their ashlar anchored to the backing, or in which the ashlar has not either alternate headers and stretchers in each course, or alternate heading and stretching courses, the backing of brick shall not be less than twelve inches thick. The backing in all walls, of whatever material it may be composed, shall be of such thickness as to make the walls, independent of facing, conform, as to thickness, with the requirements of this chapter. The full thickness of iron fronts shall be filled in with brick work.

All posts, beams, and other timbers in outside and party walls of buildings, in said fire limits, shall be separated at least eight inches from each other, with stone or brick, laid in mortar or cement.

No building which may be erected within the fire limits, shall have any bay or oriel window, constructed of wood, extending over three feet above the floor of the third story of said building; and no cornice of wood shall be placed on any building over two stories in height, not counting the basement (if any) as one story. All chimneys shall be carried at least three feet above the roof. Felt, tar or composition roofing may be allowed in the construction and erection of buildings within the fire limits: *Provided*, such felt shall be covered with distilled roofing cement, or other equally non-inflammable material, and well covered with gravel, or other non-combustible material.

If a French or Mansard roof be placed on any building, the same shall be constructed, as to its outside surface, of fire-proof or non-ignitable material.

3. PROHIBITED USE OF BUILDINGS—REMOVAL OF COMBUSTIBLE MATERIAL—PROHIBITED MANUFACTURES.] No building within said fire limits not constructed and built as provided in section two of this chapter, except those now in use, shall hereafter be occupied or used, in whole or in part, as or for any of the trades, occupations, or businesses hereinafter mentioned, to wit: Planing mills, sash, door and blind factories, carpenter or cooper shops, wagon or carriage manufactories, cabinet or furniture manufactories, wood-turning and veneering works, agricultural implement manufactories, box or shingle factories, siding-mills, re-sawing or saw mills, kilns for seasoning lumber by any other process than steam or natural heat, and that in a fire-proof vault or building of the same nature. No business, whether now established or hereafter commenced, shall be conducted or carried on within the specified fire limits in which shavings or light combustible material is made, unless there is constructed, in connection with every such establishment or manufactory, a brick or fire-proof vault or furnace in which all shavings, sawdust, chips, or other light combustible refuse may be deposited and burned without endangering the works in which it is made, or the surrounding property; and all such refuse shall be promptly removed from the works and premises, either by burning the same or drawing it away, and shall not be allowed to accumulate, either in the works or on the premises, unless stored in a fire-proof vault, where the same may burn without causing alarm or danger to any other property.

The manufacture of set ammunition, fire-works, the distillation or manufacture of naphtha, coal, or other inflammable oils; the manufacture or storage of excelsior, except in bales, and all other extra-hazardous avocations, are hereby prohibited within the above described fire limits.

4. WOODEN BUILDINGS—REPAIR—REMOVAL—PROCEEDINGS.] *Ord. Feb. 12, 1872; amends. Apr. 29, 1872; May 6, 1872.* No wooden building or part of building within the fire limits prescribed in section one of this chapter shall be raised, enlarged, or repaired, except as herein provided; but any wooden building may be removed from one lot to another lot within said fire limits, provided said building shall be determined to be worth more than sixty per cent. of what it would cost to build a new building of like character, the mayor and board of public works to determine the value of said building: *Provided, further,* that the board of public works shall cause an advertisement to be inserted in the corporation newspaper for three days, of the name of the party applying for such permit, the present location of the building to be moved, and the lot upon which it is proposed to move the same, which said advertisement shall indicate, in prominent type, at its head the division of the city in which such building is to be moved, and in each case give the name and number of the streets, if possible; and all remonstrances against the granting of such permit must be filed with the board of public works before the expiration of ten days; and after said hearing the mayor and said board shall have the power to grant such permits. The parties applying for permits shall pay the cost of the advertisement upon the application for the same; but no wooden building shall be removed from without said fire limits to any place within said fire limits; nor shall any wooden building within said fire limits, which may be damaged less

than fifty per cent. of the value, be so repaired as to be raised higher than the highest point left standing after such damage shall have occurred, nor so as to occupy a greater space than before the injury thereto : *Provided*, that the owners or occupants of buildings within the fire limits shall have the right to raise wooden buildings to the established grade, also to build basements or cellars of brick or stone under the buildings so raised to grade ; also to raise any cottage or dwelling, which does not exceed one story in height, sufficiently high to place thereunder a brick or stone wall basement not exceeding twelve feet in height above the established grade, and also to raise any two story dwelling not exceeding three feet in height above the established grade.

5. SHEDS AND PRIVIES—SHEDS DEFINED—DEPOSITORIES OF ASHES.] *Rev. Ord. 1866.* Sheds not exceeding twelve feet in height at the peak or highest part thereof, and privies not exceeding ten feet square, and twelve feet in height at the peak, may be constructed of wood, and shall not be subject to the provisions of this chapter : *Provided*, that the term “shed” be so construed as to mean a structure with a roof sloping one way, with one or more sides of such structure entirely open. But all depositories for ashes, within or without the fire limits, shall be built of brick or other fire-proof material, without wood in any part thereof.

6. DAMAGE—HOW ESTIMATED—FEE.] The amount or extent of damage that may be done to any building may be determined by three disinterested persons, residents of the city, one of whom shall be selected by the owner of the building, the second by the mayor or any two members of the committee on fire and water, and the two so chosen shall select a third ; and the decision of the persons so appointed shall be final and conclusive ; and it shall be the duty of the owner of any building, before said reference is made, to deposit with the city clerk the sum of six dollars, which sum shall be applied to the payment of reference expenses, the remainder, if any, shall be returned to such owner.

7. VIOLATION—PENALTY.] Any owner, builder, or other person who shall own, build, or aid in the erection of any building or part of building within the said limits, contrary to, or in any other manner than authorized by the provisions of this chapter, or who shall own, remove, or assist in removing any wooden building within said limits, from one lot to another therein ; or who shall own, remove or assist in removing any such building from without said limits into the same, or own, repair or assist in repairing any damaged wooden building, contrary in either case to any provision of this chapter, shall be subject to a fine of not less than twenty-five dollars and not exceeding five hundred dollars, in the discretion of the court, for the first offense, and to like fine for every forty-eight hours such person shall fail to comply with the provisions of this chapter, or continue in the violation thereof.

8. WOODEN BUILDINGS—NUISANCE WHEN—PENALTY.] Any wooden building which may be erected, enlarged, removed or repaired, or in process of erection, enlargement, removal or repair, contrary to this chapter, shall be deemed a nuisance ; and upon information it shall be the duty of the board of public works, after twenty-four hours notice to the owner, occupant, person in charge, or builder thereof, to abate the same, to raze such building to the ground. The expenses thereof shall be reported by the said board to the

common council for assessment, or may be collected of the owner of such building by suit.

9. STOVE-PIPE AND CHIMNEY—PENALTY.] No pipe of any stove or Franklin shall be put up, unless it be conducted into a chimney made of brick or stone. And any person putting up the pipe of any stove or Franklin contrary to this section shall, for every such offense, forfeit five dollars, and the further sum of one dollar for every twenty-four hours the same shall remain so put up, after notice given by the fire marshal, or any assistant fire marshal, to remove the same.

10. STABLES, ETC.—LIGHTS AND FIRES IN—PENALTY.] No lighted candle or lamp shall be used in any stable, or other place or building, where hay, straw or other combustible materials shall be kept, unless the same shall be well secured in a lantern, under the penalty of two dollars for each offense; and no fire shall be kept in any stove, or otherwise, in any such building, or any room where such combustible material is kept, under a penalty of ten dollars, and an additional penalty of five dollars for each and every twelve hours that said fire shall so remain.

11. SHAVINGS, ETC.—SHOP STOVES—CANDLES—PENALTY.] Every person keeping or occupying a shop or other building, wherein shavings or other combustible materials are made, accumulated, or may be contained, shall forfeit the sum of two dollars for every neglect to clear or remove the same out of such buildings and the yards belonging thereto, at least three times in each week: *Provided*, such buildings are situated within two hundred feet of any other building; and no stove shall be used in any such shop or building, unless the same shall be set in a box surrounded with fire-proof material, with the pipe carefully set up according to the provisions hereof; and no lighted candles shall be used in any such shop or building, except they be placed in a candlestick made of a material not liable to take fire, under the penalty of two dollars for each offense.

12. REMOVAL OF CHIPS AND SHAVINGS—PENALTY.] No person, in removing any chips, or shavings, or other combustible materials, shall scatter or strew them in any street, or shall, at any time, direct, permit or suffer any chips, shavings or other combustible matter to be taken, or thrown, or scattered on any street or alley, under the penalty of two dollars for every offense.

13. CARRYING FIRE—PENALTY.] No person shall carry fire in or through any street, or lot, or other public or private place, except the same be placed or covered in some close or secure pan, or other vessel, under the penalty of one dollar for each offense.

14. DEPOSIT OF ASHES—PENALTY.] No ashes (except at manufactories where ashes are used) shall be kept or deposited in any part of the city except the same be in a close or secure vessel, or brick or stone ash room, under the penalty of three dollars for each offense, and a further penalty of one dollar for every twenty-four hours the same shall thereafter remain so kept or deposited.

15. CHIMNEYS—CONSTRUCTION OF—ALTERATION OF—PENALTIES.] No chimney shall be built with less than four inches thickness of brick or stone, completely imbedded in lime mortar and plastered on the inside with a smooth

coat of the same. No flue shall in any case be less than eight by eight inches; and if intended for two full stories not less than eight by twelve inches; and for three stories, or more, not less than eight by sixteen inches. Holes for stove pipes shall have a sheet iron thimble, or other fire-proof material, inserted into the chimney, imbedded in mortar, and a tin or sheet iron stopper, with a flange at least one inch wide, outside of the brick. Every person who shall build or cause to be built a chimney contrary to this section, shall, for every such offense, forfeit and pay the sum of ten dollars; and every owner of any chimney that shall be built contrary to this section, shall cause the same to be altered within ten days after notice shall be given by the fire marshal or any assistant fire marshal so to do, or forfeit the sum of ten dollars, and also ten dollars for every month thereafter, so long as said chimney shall remain unaltered.

16. CHIMNEYS—FOUNDATION—PENALTY.] No person shall build, or cause to be built, a chimney resting upon any part of a building liable to settle, unless such foundation is permanently connected with the rafters where the chimney passes through the roof, so that the whole may settle together, under a penalty of ten dollars for every such offense, and a further sum of ten dollars for every week it shall remain after notice given by the fire marshal or any assistant fire marshal, to alter the same.

17. CHIMNEYS IN LOFTS—CONSTRUCTION OF—PENALTY.] No chimney shall be commenced in any loft unless there are fixed stairs leading to the same, easy of access at all times; and no stove pipe shall pass through more than one ceiling before entering a chimney, under a penalty of ten dollars for each offense and a further sum of two dollars for each week either shall remain after notice shall be given by the fire marshal or any assistant fire marshal to alter the same.

18. STOVE-PIPE TO BE GUARDED—PENALTY.] Stove-pipes shall not be less than four inches from any wood or other combustible materials, unless there is a double circle of tin connected together, and air holes through the connecting tin between said pipe and the combustible substance, under the penalty of three dollars, and the sum of one dollar for every three days it shall remain after notice from the fire marshal or any assistant fire marshal to alter the same.

19. CHIMNEYS FOR STEAMWORKS—CONSTRUCTION OF—PENALTY.] *Rev. Ord. 1866; amend. May 12, 1869; repl'd Feb. 12, 1870; Rev. Ord. § 21 restored.* All chimneys erected in any building or place within the city for manufacturing purposes, appertaining to, used, or to be used, for conveying off the smoke of any steam boiler or steam engine, shall be firmly and substantially built of brick or stone, and shall be erected to the height of not less than fifty-five feet. Any person or persons who shall build or construct, or use or occupy, any chimney heretofore or hereafter built, for the purpose above specified, of any other material or in any other manner than above specified, shall forfeit and pay the sum of fifty dollars.

20. HAY, ETC.—STACKING OF—PENALTY.] *Rev. Ord. 1866.* No person or persons shall deposit, or stack, any hay, straw, or other combustible substance, within one hundred feet of any dwelling-house, barn, stable, outhouse or building of any description, within the limits of the city of Chicago, without

first having obtained a written permission from the mayor and both the aldermen of the ward in which the same may be located, under a penalty of twenty-five dollars for each offense, and a like penalty for every week the same may remain after notice.

21. HAY, SHAVINGS, ETC.—BURNING OF—PENALTY.] No hay, straw, shavings, or other combustible matter shall be set fire to, or burned, within any street, alley, public or private ground, within the fire limits of the city. Nor shall any straw, hay, shavings or other combustible matter be set fire to, or burned without the fire limits and within the city, nearer than one hundred feet to any house, fence, barn, shed, or wooden buildings, unless by the direct permission in writing or superintendence of the fire marshal or of one of the assistant fire marshals, under a penalty of not less than five dollars, nor more than twenty dollars, for each offense.

22. LUMBER-YARDS PROHIBITED—PENALTY.] No lumber-yard for the sale of lumber shall be kept upon any premises within the fire limits, which are not now occupied for that purpose, under a penalty upon the person or persons keeping the same, of ten dollars for every offense, and a like penalty for every week the same shall be allowed to remain.

23. HATCHWAYS, CELLAR OPENINGS, ETC—WHEN TO BE CLOSED—PENALTY.] All buildings within the city having hatchways, hoistways, cellar openings, or other openings leading from floor to floor (except properly protected skylights), of whatever name or description, shall be provided with good and substantial shutters or doors for all of such hatchways, hoistways, cellar doors, or other openings. And the said shutters or doors shall be kept closed, except when in actual use, from the hour of six o'clock p. m. to six o'clock a. m. of each day. All persons violating any or either of the provisions of this section shall, on conviction, pay a fine of not less than ten dollars, nor more than one hundred dollars, and shall also, in addition, be personally liable to all firemen or persons, in damages, for all injuries by reason of such violation or neglect.

24. FIRE APPARATUS—MISUSE OF—PENALTY.] If any person having charge of an engine or other fire apparatus shall suffer or permit the same to be applied to private uses, or taken beyond the limits of the city, without the consent of the fire marshal, or in his absence, the acting fire marshal, he shall forfeit a penalty of not less than five dollars nor more than twenty-five dollars for each and every such offense, beside being personally liable for all damages.

25. REMOVAL OR DESTRUCTION OF BUILDINGS AT FIRES.] The fire marshal, or assistant fire marshal in command, or, in the absence of the fire marshal and of all the assistant fire marshals, the mayor or two aldermen, or a member of the board of police and fire commissioners, may direct the hook and ladder men to cut down and remove any building, erection or fence for the purpose of checking the progress of any fire; and the fire marshal or the assistant fire marshal in command, with the advice and concurrence of two members of the common council, or any commissioner of the board of police and fire, shall have power to blow up or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

26. LIMITS MAY BE ESTABLISHED AT FIRES.] The fire marshal, or assistant fire marshal in command, may prescribe limits in the vicinity of any fire, within which no person excepting those who reside therein, members of the fire or police departments, and those admitted by order of the officers of the fire department shall be permitted to come.

27. FIRES—POWER OF FIRE MARSHAL—DISOBEDIENCE OF ORDERS—PENALTY.] Every person not a fireman, who shall be present at a fire, shall be subject and obedient to the orders of the fire marshal and the assistant fire marshals, in extinguishing the fire and the removal and protection of property; and in case any such person shall refuse to obey such orders, he shall forfeit and pay for every offense the sum of five dollars: *Provided*, that no such person shall be bound to obey any of said officers, unless such officers shall bear their respective badges of office, or their official character shall be known or made known to them; and all such officers shall have power to arrest any person or persons so refusing to obey such lawful orders as aforesaid, and hold them in custody until after the fire is extinguished, when he or they shall be taken before a magistrate to be dealt with according to law.

28. FIRES—FIRE MARSHAL—AUTHORITY OVER LICENSED VEHICLES—PENALTY.] It shall be lawful for the fire marshal and the assistant fire marshals to require the aid of any drayman with his horse and dray, driver of a licensed wagon with his team and wagon, or any citizen, inhabitant, or bystander, in drawing or conveying any engine or other fire apparatus to the fire, and in working and using the same, while at a fire; and on the refusal or neglect of any person to comply with such requisition, the offender shall, for every default, forfeit and pay a penalty of not less than one dollar nor more than five dollars.

29. HINDERING FIREMEN, ETC. — PENALTY.] Any person who shall wilfully offer any hindrance to any officer or fireman in the performance of his duty at a fire, or shall wilfully, in any manner, injure, deface or destroy any engine or fire apparatus belonging to the city of Chicago, shall for every such offense forfeit and pay a penalty of twenty-five dollars, and shall furthermore be liable for all damage or injury done.

30. DISORDER AT FIRES—POWER OF FIRE MARSHALS TO ARREST—TO COMMAND AID.] During the time of a fire, and for and during the period of thirty-six hours after its extinction, it shall be lawful for the fire marshal and the assistant fire marshals, in any part of the city, to arrest any suspected person, or any person hindering, resisting, conducting in a noisy and disorderly manner, or refusing to obey any such officer while acting in the discharge of his duty, and, as soon as their duties in relation to the extinguishment of the fire will permit, take such person before a magistrate to be dealt with according to law. Said officers shall be severally vested with the usual powers and authority of police officers to command all persons to assist them in the performance of such duty.

31. FIRE APPARATUS—SPEED ON RETURN—PENALTY.] No hose-carriage, hook and ladder carriage, or engine, shall be drawn faster than a walk on its return from a fire or an alarm of fire; nor shall any such carriage or engine be drawn on any sidewalk opposite a paved or planked street; nor shall any such carriage or engine be drawn to a fire or alarm of fire in a man-

ner calculated to endanger the safety of persons or property in the streets or alleys of said city, under the penalty of not less than five dollars nor more than twenty-five dollars, to be paid by the person or persons committing the offense.

32. CROSSING FIRE HOSE—PENALTY—HOSE PROTECTORS.] No person shall go over any unprotected hose of the fire department of the city of Chicago, when laid down to be used at any fire or alarm of fire, with any vehicle, without first obtaining the consent of the fire marshal, or his assistant in command, under a penalty of not less than five dollars nor more than one hundred dollars, and the fire marshal shall procure and cause to be carried with each hose cart at every alarm of fire, efficient protectors of said hose, and cause the same to be laid down with said hose, when said hose is laid on any street, in such manner as to protect said hose from injury when vehicle go over the same, and he shall also cause all such hose to be taken up from the streets as soon as it is no longer needed to be so laid for use.

33. REMOVAL OF PROPERTY AT FIRES] Whenever it shall become necessary for the preservation of property from fire, or to remove property to prevent the spreading of fire, or to protect adjoining property from fire, the fire marshal or his assistant in command is hereby authorized to cause the removal of such property as may be necessary.

34. REMOVAL OF PROPERTY FROM RUINS—WHEN PROHIBITED—PENALTY.] *Ord. Nov. 9, 1871.* No person shall, between the hour of seven o'clock, p. m. and six o'clock, a. m. of any day within ninety days after any dwelling house or building shall have been in whole or in part destroyed by fire, carry off or remove from the lot, or part of lot, upon which such dwelling house or building was erected, any iron or lead pipe, iron railing, fencing, iron pillars, bars, rods, or other iron or lead fixtures, or other property of any kind, from the ruins of any such building, without a license from the superintendent of police so to do, and every person convicted of violating the provisions of this section, shall be liable to a penalty of twenty-five dollars for each and every such offense.

35. REMOVAL FROM RUINS WITHOUT CONSENT—PENALTY.] Any person who shall remove or carry away from any such lot or part of lot, any such iron or lead pipe, iron railing or fencing, iron pillars, bars, rods, or other iron or lead fixtures, or other property of any kind, from the ruins of any such dwelling house or building, within ninety days after such dwelling house or building shall have been destroyed by fire, without the consent or authority in writing, of the owner of such lot or part of lot, or of such dwelling house or building, shall be liable to a penalty of twenty-five dollars for every such offense. The penalties in this, and the preceding section mentioned, shall be collected as other penalties for a violation of city ordinances are collected.

36. ENFORCEMENT—SPECIAL PROVISION.] It shall be the duty of the mayor, board of public works, and board of police commissioners, to enforce the provisions of this chapter.

CHAPTER 12.

FIREWORKS.

SECTION 1. Storage of fireworks provided for and regulated.

1. FIREWORKS, HOW TO BE STORED—PENALTY.] *Ord. Sept. 23, 1872.*
No squibs, rockets, crackers, serpents, or other fireworks containing powder or other combustible or explosive materials, shall be kept or stored within the limits of the city of Chicago, except the same be kept or stored in a fire-proof vault. Any person, firm or corporation violating the provisions of this chapter, shall be subject to a fine of not less than fifty, nor more than one hundred dollars for each offense, and a like penalty for every twenty-four hours that said rockets, squibs, crackers or other fireworks containing the aforesaid materials, shall be kept or stored after the first conviction for a violation of this chapter.

CHAPTER 13.

GRADES.

SECTION.

1. Base of city levels established.
2. Grades established.
3. Grades to be straight lines—Exceptions.

SECTION.

4. Inclination of sidewalks.
5. The chapter construed.

1. BASE OF CITY LEVELS.] *Rev. Ord. 1866.* The grades hereinafter fixed are referred to the plane of low water in the year 1847, as established by the trustees of the Illinois and Michigan canal, and adopted by the late sewerage commissioners and by the board of public works of the city of Chicago, as the base or datum for the city levels, and was eight and twenty-three hundredths (8.23-100) feet below the then water table of the then Loomis' store on the southwest corner of Clark and South Water streets, and was eleven and seventy-one hundredths (11.71-100) feet below the water table on the southwest corner of the main or central building of the then court house of Cook county in the city of Chicago, and is eleven and seven hundred and seventy-five thousandths (11.775) feet below the south corner of the water

table of Lind's block at the northwest corner of Randolph and Market streets.

2. GRADES ESTABLISHED.] *Rev. Ord.*, 1866; *amends April 22, 1867; Sept. 14, 1868; Nov. 8, 1869; May 31, 1869; March 14, 1870; July 20, 1871; Feb. 29, 1872.* The grades of the top of the sidewalk, at the edge next to the street, on the streets of the city of Chicago, mentioned in the tables in this chapter contained, shall be at the intersections of said streets with each other, or with other objects, or at the points at which, if they were extended, they would so intersect, fixed at the heights shown by the figures (which indicate feet and decimal fractions thereof), set in the places where the spaces between the lines containing the names of such streets or other objects, at the left-hand side of said tables, intersect the spaces between the lines containing the names of such streets, or other objects, at the tops of said tables respectively.

An ordinance correcting the height of the bench mark, as shown by the revised ordinances passed January 20, 1873.

[Passed March 31, 1873.]

WHEREAS; A clerical error has occurred in the statement of the base, or datum, of the city levels (bench mark) in the first section of chapter 18 of the revised ordinances; therefore,

Be it ordained by the Common Council of the city of Chicago:

SECTION 1. That the words commencing on the ninth line of the first section of Chapter 18, of the twenty-seventh page of the revised ordinances of the city of Chicago, which read as follows, to wit: "and is eleven and seven hundred and seventy-five thousandths (11.775) feet below the south corner of the water table of Lind's block, at the north-west corner of Randolph and Market streets," shall read as follows: "And is fifteen and seven hundred and seventy-five thousandths (15.775) feet below the south-east corner of the water-table of Lind's block, at the north-west corner of Randolph and Market streets."

SEC. 2 This ordinance shall be in force and take effect from and after its passage.

I. GRADES OF STREETS IN SOUTH DIVISION, NORTH OF TWENTY-SECOND STREET.

STREETS.	Market	Franklin	Wells	Sherman	LaSalle	Pacific Ave.	Clark	Fourth Ave	Dearborn	Third Ave.	W. Side of State	Center of State	E. Curb of State	W. Curb of Wabash	Center of Wabash	E. Curb of Wabash	W. Curb of Michigan	Center of Michigan	E. Curb of Michigan	Dock
South Water	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
River	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Lake	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Randolph	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Washington	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Madison	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Monroe	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Adams	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Jackson	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
Van Buren	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
N. Curb line of Harrison	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0
S. Curb line of Harrison	13.0	12.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83
Folk	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Taylor	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Hubbard Court	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Peck Court	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Edridge Court	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Harmon Court	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Twelfth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Thirteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Fourteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Fifteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Sixteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Seventeenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Eighteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Nineteenth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Twentieth	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Twenty-first	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Twenty-second	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Archer Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Stewart Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Purple St.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Blackwell St.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Grove St.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Wentworth Av.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Arnold St.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Burnside St.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Indiana Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Pratt Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
Calumet Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45
B. Park Ave.	13.07	12.96	13.07	12.96	12.46	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45	12.64	12.83	12.45

* Opposite Rush St. bridge, 13.0. Opposite N. E. line of lot 6, E. 2, Ft. D. Add., 13.0.

† Grades on Van Buren street: W. line of Canal 14.; E. line of Canal 14.; at railroad 13.8; center of Charles St. 14.; W. and E. end of bridge 13.50.

STRATEGY.

[illegible]

The grade of Milwaukee Avenue, at the intersection of the following streets, shall be as follows, viz.: at Elston Road, 13.00; at Buckner street, 13.70; at Cornell street, 13.75; at Cornelia street, 13.87; at Augusta street, 14.0; at Noble, Cleaver, Division, Ridgville Road and Brighton streets, 14.0 feet; at Fontenay Pl., 15.0; at North Avenue, 15.50.

IV. GRADES OF STREETS OF WEST DIVISION, SOUTH OF TWELFTH STREET.

STREETS.	
Ashland Ave.....	19 0
Ladin.....	14 0
Loomis.....	14 0
Throop.....	14 0
Center Ave.....	14 0
May.....	14 0
Margaret.....	14 0
Fisk.....	14 0
Waller.....	14 0
Morgan.....	14 0
Brown.....	14 0
Johnson.....	14 0
John.....	14 0
Newberry.....	14 0
Haled.....	14 0
Union.....	18 3
Rable.....	18 6
String.....	18 6
Jefferson.....	18 40
Burlington.....	18 40
Seward.....	18 40
Clinton.....	18 10
Canal.....	18 0
Blue Island Ave.....	14 0
Stewart Ave.....	18 0
Canalport Ave Cumberland	11 50
Twenty second	11 0
English	12 2
Clayton	12 2
Walsh	12 40
Harbo	12 40
Lake	12 60
Eighenth	12 70
Evans	12 70
Sixteenth	12 80
Rebecca	12 80
Meagher	12 80
Catherine	12 80
Henry	12 80
Wright	12 80
Frank	12 80
Mitchell	12 80
Marshall	12 80
Hastings	12 80
Wilson	12 80
Dobyns	12 80
O'Brien	12 80
Todd	12 80
Gouldge	12 80
Twelfth.....	12 80

STREETS.		V. GRADES OF STREETS IN WEST DIVISION, FROM KIRKIN STREET TO TWELFTH STREET.											
	Western Ave.	18.0	17.76	17.53	17.30	17.07	16.84	16.61	16.38	16.15	15.92	15.69	15.46
	Oakley	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Leavitt	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Boyer	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Winchester	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Lincoln	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Honore	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Wood	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Hermitage	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Paulina	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Marshallfield	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Adelaid Ave.	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	St. John's Pl.	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Larkin	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Union Pl. Pl.	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Selden	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Leonis	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Ida	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Throop	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Elmhurst	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Lytle	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	Center Ave.	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0	17.0

* East side Washington, 11.75; West side, 15.0.

† Randolph at Bryan Place, 15.50.

‡ Washington at S. Western Ave., 16.0.

V. GRADES OF STREETS IN WEST DIVISION, FROM NINE STREET TO TWELFTH STREET—(CONTINUED).

STREETS.	Centre Ave.	Ann	May	Aberdeen	Margaret	Curtis	Sholto	Carpenter	Miller	Morgan	Sengamon	Brown	Peoria	Johnson	Green	Newberry	Halsted	Union	Desplaines	Jefferson	Clinton	Canal	W. Water	Blue Isl. Ave.
Kinsie		13.84				13.74	13.80	13.80	13.48	13.56	13.56	13.54	13.54	13.54	13.13		13.0	13.75	13.50	13.0	11.0			
Carroll Ave.		13.83				13.75	13.80	13.80	13.50	13.57	13.57	13.55	13.55	13.55	13.13		13.0	13.0	13.0	13.0	11.5			
Fulton		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	12.0			
Walnut		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Lake		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Park Ave.		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Randolph		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Washington		14.46				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Warren Ave.		14.0				14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0			
Madison		15.0	15.0	15.0		14.50	14.40	14.40	14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	17.50	15.00	
Moore		15.0		15.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Wilcox		15.0		15.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Adams		15.0		15.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Jackson		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Van Buren		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Congress		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Harrison		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Sabor		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Plum		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Klean		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
York		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Gorley		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Mather		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Hope		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Spruce		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
McAlister		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Folk		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Living		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Gilpin		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Arlington		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Forquar		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Taylor		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
DeKoven		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Nebraska		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Eleventh		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Kansas		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Bunker		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	
Twelfth		14.0		14.0					14.0	14.0	14.0	14.0	14.0	14.0	14.0		14.0	14.0	14.0	14.0	14.0	14.0	15.00	

17. GRADES OF STREETS IN NORTH DIVISION, BETWEEN NORTH AVENUE AND NORTH WATER STREET.—(CONTINUED).

* Corner of Michigan St., at four corners of LaSalle, 12th.
 † Visited at Wells St., M.A. † Visited at Clark St., M.A. † Al Cedar
 ‡ Corner of Michigan St., at 4th corner of LaSalle, 12th. Michigan St., at 4th corner of State St., 15.0 feet.

VII. GRADES OF STREETS IN NORTH DIVISION NORTH OF NORTH AVENUE.

STREETS.	Sheffield Ave.	Bissell	Fremont	Dayton	Halsted	Burling	Orchard	Howe	Vine	Larrabee	Mohawk	Hurlbut	Church	Sedgwick	Hammond	Franklin	Wells	La Salle	Clark	Dearborn
Fullerton Ave.	16.0	16.0	16.0	16.37	16.0	16.5	17.5	16.5	16.0	19.0	20.00	20.00	20.00	16.0	16.0	20.0	17.0	17.50	22.0	18.0
Bulden Ave.	16.0	16.12	16.25	16.37	16.5	16.5	17.5	16.5	16.5	19.5	20.00	20.00	20.00	22.0	22.0	22.0	17.40	17.50	22.0	18.0
Webster Ave.	16.9	16.12	16.25	16.37	16.5	17.5	18.0	16.5	16.5	18.5	20.00	20.00	20.00	22.0	22.0	22.0	17.40	17.50	22.0	18.0
Sophia St.	15.0	15.25	15.50	15.75	16.0	16.5	17.0	16.5	16.5	17.5	19.5	19.5	19.00	21.0	20.0	20.0	17.40	17.50	22.0	18.0
Centre Ave.	14.0	14.25	14.50	14.75	15.0	15.25	15.50	15.75	15.75	16.0	17.0	18.0	19.00	20.0	20.0	20.0	17.40	17.50	22.0	18.0
Wisconsin St.	13.50	13.75	14.0	14.25	14.50	14.75	15.0	15.25	15.25	15.50	16.50	16.50	17.00	17.0	17.50	18.0	17.40	17.50	22.0	18.0
Clay St., and line of do, East	13.50	13.75	14.0	14.25	14.50	14.75	15.0	15.25	15.25	15.50	16.50	16.50	17.00	17.0	17.50	18.0	17.40	17.50	22.0	18.0
Menominee St.	13.0	13.25	13.50	13.75	14.0	14.25	14.50	14.75	14.75	15.0	16.50	16.0	16.25	16.50	16.75	17.0	17.40	17.50	22.0	18.0
Willow St.	13.0	13.25	13.50	13.75	14.0	14.25	14.50	14.75	14.75	15.0	16.50	16.0	16.25	16.50	16.75	17.0	17.40	17.50	22.0	18.0
Bissell St.	13.0	13.25	13.50	13.75	14.0	14.25	14.50	14.75	14.75	15.0	16.50	16.0	16.25	16.50	16.75	17.0	17.40	17.50	22.0	18.0
Linden and Eugenia Sts.	12.25	12.50	12.75	13.0	13.25	13.50	13.75	14.0	14.25	14.50	15.00	15.00	15.00	15.50	16.00	16.50	17.00	17.50	22.0	18.0
Knerr St.	12.0	12.25	12.50	12.75	13.0	13.25	13.50	13.75	14.0	14.25	14.50	14.75	15.00	15.50	16.00	16.50	17.00	17.50	22.0	18.0
North Ave.	12.0	12.25	12.50	12.75	13.0	13.25	13.50	13.75	14.0	14.25	14.50	14.75	15.00	15.50	16.00	16.50	17.00	17.50	22.0	18.0

3. GRADES, STRAIGHT LINES—EXCEPTIONS.] *Rev. Ord. 1866.* All grades between the points mentioned in tables shall be straight lines drawn from one fixed point to the nearest fixed point, except, that the grade of West Randolph street shall descend uniformly from the west line of West Water street, to a grade of fourteen feet at a line forty feet east of Jefferson street, and thence proceed on a level to Jefferson street. And, except, also, that the grade of North Water street shall rise each way from Wolcott (North State) street at the rate of one foot in each one hundred feet, until it meets the grade which corresponds with a grade of nine feet at Wolcott (North State) street, as provided for by a contract with the Galena and Chicago Union Railroad Company, of May 30, 1864, ratified by an ordinance of July 11, 1864.

4. SIDEWALKS—INCLINATION OF.] *Rev. Ord. 1866.* All sidewalks shall incline upwards from the outer edge, toward the line of buildings or lots, at the rate of one inch in three feet.

5. CONSTRUCTION OF CHAPTER.] *Rev. Ord. 1866.* Nothing herein contained shall be construed to confer any power on any party, person or firm to fill streets or raise the grade of sidewalks, in front of their own or any other premises, until such streets have, by the common council, been ordered filled to grade; the true intent and meaning of this chapter being to fix and determine the grade for streets or portions of streets to which it refers, but not to order them, or any of them, filled up to that grade.

CHAPTER 14.

GUNPOWDER AND GUN-COTTON.

SECTION.

1. Permit required to vend.
2. How permits obtained and granted—Registration of.
3. Regulation of storage.
4. Magazines prohibited in city—Exceptions.
5. Carriage of, provided for.
6. Receipt and shipment of.

SECTION.

7. Not to be held in city.
8. Conduct of vehicles carrying.
9. Penalties.
10. Discharge of cargoes of, where prohibited.
11. Removal of vessels carrying.
12. Permits when to expire and their cost.

1. PERMIT REQUIRED TO VEND—PENALTY—PROVISO AS TO PERSONAL USE.] *Rev. Ord. 1866.* No person shall keep, sell, or give away, any gunpowder or gun-cotton, in any quantity, without permission in writing, signed by the mayor and city clerk and sealed with the corporate seal, under a penalty of twenty-five dollars for every offense: *Provided*, any person may keep for his own use not exceeding one pound of gunpowder or gun-cotton at one and the same time.

2. PERMITS—HOW OBTAINED AND GRANTED—REGISTRATION OF—SIGN FOR VENDOR.] *Rev. Ord. 1866; amend., Dec. 9, 1867.* All applica-

tions for permits shall be made to the mayor. Not exceeding four permits shall be granted in any block ; when the number of applications in any block shall at any time exceed the number to be granted, the requisite number shall be chosen by ballot by the common council. When issued, the clerk shall make an entry thereof in a register to be provided for the purpose, which entry shall state the name and place of business and date of permit. No person shall sell or weigh any gunpowder or gun-cotton after the lighting of lamps in the evening, unless in sealed canisters or cases. It shall be the duty of every person, to whom a permit shall be given, to keep a sign at the front door of his place of business with the word "Gunpowder" painted or printed thereon in large letters.

3. STORAGE IN CITY—LIMITS OF AMOUNT AND MANNER OF.] *Ord. Sep. 9, 1867.* No persons, firm or corporation shall have or keep at his, their or its place of business, or elsewhere within the city, or within one mile of the limits thereof, a greater quantity of gunpowder or gun-cotton than fifty pounds at one time, and the same shall only be kept in tin canisters or cases, containing, not to exceed thirty pounds each, and in a situation remote from fires, lighted lamps, candles, gas or other inflammable matter, from which the same may be easily removed in case of fire, and then only by obtaining a permit as required by section two, of this chapter, except as otherwise herein provided.

4. MAGAZINES PROHIBITED WITHIN THE CITY LIMITS—PROVISO.] All powder magazines or places for storing or keeping gunpowder or gun-cotton within the city or within one mile of the limits thereof, shall be vacated, and no such magazine or place for storing powder shall be kept or maintained within the limits aforesaid: *Provided, however,* the provisions of this section shall not be held or construed to apply to any powder magazine or place now used or that may be hereafter erected and used, for storing gunpowder or gun-cotton within the city, or within one mile of the limits thereof, which is now, or may hereafter be, located on any lot, piece or parcel of land, the size or area of which is such that the boundaries thereof are not less than fifty rods distant from the walls of any such magazine or place, and the title to which said lot, piece or parcel of land, together with all the improvements thereon, by purchase or lease, is vested in the person, firm or corporation, owning any such magazine or place now, or that may be hereafter used for the storage of gunpowder or gun-cotton, as aforesaid.

5. CARRIAGE OF—MANNER PRESCRIBED.] It shall be unlawful for any person or persons to carry or convey any gunpowder or gun-cotton (exceeding fifty pounds in quantity) through any street, alley, highway or road in the city, or within one mile of the limits thereof, in any cart, carriage, wagon, dray, wheelbarrow or otherwise, unless the said gunpowder or gun-cotton be secured in tight cases or kegs well headed and hooped, and put into and entirely covered with a good, tight and substantial leather bag sufficient to prevent the same from being spilled or scattered, or unless the same is put into a well covered and perfectly water tight box, the bottom and sides of which shall be completely covered with zinc; or unless such gunpowder or gun-cotton be secured in water tight patent metallic cases or kegs.

6. POWDER RECEIVED AND SHIPPED—DISPOSITION OF.] All gunpowder

and gun-cotton coming into the city in greater quantities than fifty pounds, shall, within twenty-four hours after its arrival, be transported and conveyed beyond the city limits and beyond one mile of the limits thereof: *Provided, however,* that powder or gun-cotton may be conveyed to and stored in the magazines beyond the city limits which are embraced in the exceptions made in section four: *And Provided, further,* that in case of the receipt in, or shipment from, said city of powder in quantities exceeding one hundred kegs in one lot, the president of the board of police or fire marshal may, on a proper case made, grant special permit, in writing, extending said time not exceeding forty-eight hours.

7. NOT TO BE HELD IN THE CITY—PROVISO.] No gunpowder or gun-cotton shipped to or from the city of Chicago shall be permitted or suffered to be or remain on any dock, landing, street, alley, highway, railroad track or car, or other place within said city, or within one mile of the limits thereof, in a greater quantity than fifty pounds, except as herein otherwise provided, for a longer period than a reasonable time to load and unload the same, which time, however, shall not exceed twelve hours: *Provided, however,* the president of the board of police or fire marshal may, by permit in writing, extend said time not exceeding twenty-four hours.

8. VEHICLES CARRYING—NOT TO STAND ON HIGHWAYS, ETC.—SIGN.] No wagon, dray, cart or other vehicle loaded, in whole or in part, with gunpowder or gun-cotton, shall be permitted to stand or remain on any street, alley, highway, or place in said city, or within one mile of the limits thereof, more than half-an-hour at a time, except when unavoidably detained by the opening of bridges; and every magazine, safe, box, or keg, used for storing or transporting, and all vehicles employed in hauling gunpowder or gun-cotton within the city, or within one mile of the limits thereof, shall have the word “ powder ” painted upon both sides of them in large letters.

9. PENALTIES.] Any person or persons, corporation or corporations, violating any of the sections or provisions of this chapter, by which another or different penalty is not prescribed, shall be subject to a fine of not less than fifty dollars, and not exceeding five hundred dollars, for each and every violation or offense: *Provided, however,* that each and every day, gunpowder or gun-cotton shall be kept in any place contrary to the provisions of Sections 1, 2, 3 and 4 of this chapter, shall constitute a violation thereof.

10. VESSELS CARRYING—DISCHARGE OF CARGO, WHERE PROHIBITED—PENALTY.] *Rev. Ord. 1866.* No vessel laden in whole or in part with gunpowder or gun-cotton, shall land or make fast to any dock or wharf upon the Chicago river, or either branch thereof, between the south line of the School Section and Chicago avenue, or discharge such gunpowder or gun-cotton within said limits. If any master or owner of any vessel, or other person, shall violate any provision of this section, he shall be subject to a fine of not less than twenty dollars, and not exceeding one hundred dollars.

11. REMOVAL OF VESSEL—RESISTANCE—PENALTY.] The mayor or board of police shall have power to cause any vessel to be removed from the limits mentioned in the previous section, to any place beyond the same, by a written order, which shall be executed by the harbor master, or any member

of the police force. If any person shall neglect or refuse to obey such order, or shall resist any officer in the execution of the same, he shall be subject to a penalty of one hundred dollars.

12. PERMITS—WHEN TO EXPIRE—FEE FOR ISSUING.] All permissions granted under this chapter shall expire on the tenth day of June in each year. And no permit shall be granted to any retailer of intoxicating liquors, or to any intemperate person. The collector shall receive, for the use of the city, five dollars for each and every permit which may be issued.

CHAPTER 15.

HARBOR.

SECTION.

1. Duty of harbor master—His badge, accounts and reports.
2. Harbor master to direct use of harbor.
3. Vessels adrift, etc., how to be secured.
4. Expense for securing vessels to be lien—Resistance, how punished.
5. Penalties a lien—Manner of enforcement—Proceeds to the treasury.
6. Penalty for obstructing south pier.
7. Obstruction of channel and bridges prohibited.
8. Speed of craft at bridges.

SECTION.

9. Sail vessels to be towed at bridges.
10. Penalty for injuring bridges.
11. Discharged cargo projecting over wharf.
12. Rules of navigating.
13. The lien of penalties.
14. Deposit of earth and floating matter in, prohibited.
15. Harbor master's special power.
16. Construction of words used.
17. Penalty for injuring dredges, etc.

1. HARBOR MASTER—HIS OFFICE—DUTY—BADGE OF OFFICE—ACCOUNTS—REPORTS.] *Rev. Ord. 1866.* The harbor master shall keep an office in such a place as the common council shall designate or provide, where, at all times during the season of navigation, he can be found or where orders can be left that shall receive prompt attention. He shall pass along so as to see the entire harbor, as far up as Lake street bridge, at least three times each day; and as far up the south branch as Twelfth street, and as far up the north branch as Chicago avenue at least twice each day during the time the harbor is navigable. He shall, at all times, while on duty, carry a speaking trumpet, which shall be his badge of office, and through which his orders can be heard at a distance. He shall keep an accurate account and record of each case of damages to bridges, docks and all other city property pertaining to the harbor, accruing by any and every breach of the provisions of any ordinance, by any person, vessel, craft or float, the name of such vessel, craft or float, the owner, master or consignee thereof, and shall gather all evidence and information in his power, concerning any such breach or breaches, forthwith after the occurrence of any such breach; keep an accurate record of the amount of such damage, when, to whom and how paid, and an account of all claims against the city made by vessel owners or persons navigating the harbor, for damages sustained in said harbor, to vessels or other crafts, and make a detailed report of all such record, semi-annually (or oftener if re-

quired by the council) and submit the same to the common council. He shall have charge of and be responsible for the safe keeping of the city life boats and any other property which may be placed in his charge by the common council or the board of public works. He shall perform all the duties required of him by this chapter or any ordinance or resolution of the common council or order of the board of public works.

2. HARBOR MASTER TO DIRECT USE OF HARBOR—NEGLECT TO OBEY—PENALTY.] The harbor master shall give such orders and directions relative to the location, change of place, or station, manner of moving or use of the harbor, of every vessel, craft or float lying, moving or laid up in the harbor not in use, as may be necessary to promote good order therein, and the safety and equal convenience of such vessels, crafts or floats; and any owner, master or other person having charge of the same, who shall refuse or neglect to obey any such order or direction, shall be subject to a penalty of twenty-five dollars for every such neglect or refusal; which penalty shall constitute a lien upon such vessel, craft or float, until fully paid.

3. VESSELS ADRIFT ETC.—DUTY OF HARBOR MASTER AND OWNER—PENALTIES.] Whenever there shall be in the harbor any vessel, craft or float insecurely fastened, adrift, sunken or laid up not in use, which may require to be fastened, raised, removed, or its location changed, the harbor master shall notify the owner, master or other person who may be in charge thereof, to secure, raise, or remove such vessel, craft or float without delay. But, if the harbor master should be unable to find the master, owner or person in charge of such vessel, craft or float as aforesaid, or if no person answering such description can be found by him, such notice shall not be required, and any person who shall refuse or neglect to comply with such order or direction shall be subject to a penalty of twenty-five dollars, and the further penalty of ten dollars for every day he or they shall refuse or neglect to observe the same, which penalty shall constitute a lien upon such vessel, craft or float until fully paid.

4. SECURING OF VESSELS—EXPENSE OF, A LIEN—PENALTY FOR RESISTANCE.] If any vessel, craft or float shall not be secured, raised, removed, or its location changed, in compliance with the direction of the harbor master after notice, or if the harbor master shall be unable to serve such notice as aforesaid, in either case, he shall cause such vessel, craft or float, to be secured, raised, removed or its location changed as aforesaid, employing such assistance as may be necessary for the purpose. All expenses which may be incurred in any case, shall be recoverable of the owner, consignee, master or other person having charge of such vessel, craft or float; and the same expenses are hereby declared to be a lien upon such vessel, craft or float until fully paid. And if any person shall resist the harbor master, or any person acting under him, in the execution of such duty imposed upon him by this chapter, such person so resisting shall be subject to a fine of not less than ten dollars and not exceeding one hundred dollars and may be imprisoned not exceeding thirty days.

5. PENALTIES ETC., A LIEN—HOW TO BE ENFORCED—PROCEEDS TO TREASURY—PENALTY.] All penalties, fines, damages and expenses which may be made, or become a lien upon any vessel, craft or float, by the provi-

sions hereof, shall attach from the time the right of action may accrue, and the harbor master shall detain any vessel, craft or float, subject to such lien, or such parts of her, or of her rigging, anchors or apparel, as shall be sufficient to discharge the same. Such lien, if not otherwise discharged, may be enforced against the vessel, craft or float, or other property so detained, by an attachment against such vessel, craft or float, by her or its name, or against the owner or owners thereof, if known, in the manner provided by the laws of this state for the enforcement of maritime claims against boats and vessels. All suits which may be brought under this chapter, whether in rem or in personam, shall be brought in the name of the city of Chicago, and all the expenses which may be incurred in such detention, shall likewise be a lien upon such vessel, craft or float, and recoverable as a part of the original cause of action. All moneys which may be paid to, or collected by the harbor master, or which shall be collected in any suit instituted as aforesaid, shall be paid by the officer collecting the same into the city treasury. If any person or persons shall resist the harbor master, or any person acting under him, in the detention of any vessel, craft or float, for the purposes aforesaid, he and they shall be subject to a fine of not less than ten dollars, and not exceeding one hundred dollars.

6. SOUTH PIER—NOT TO BE OBSTRUCTED—PENALTY—PROVISO.] No master, owner, or any person in charge of any vessel, craft or float, shall cause or suffer the same to remain at or within one hundred feet of the south pier for a longer period than is actually necessary to furl sail on coming in, or make sail on departing, under a penalty of ten dollars: *Provided*, that rafts or vessels necessarily used in the construction or repair of the piers shall not be deemed to be within this provision.

7. PASSAGE NOT TO BE OBSTRUCTED—BRIDGES TO BE LEFT CLEAR—PENALTY.] No vessel, craft or float shall be so moored or anchored within the harbor, or in any slip or dock, as to prevent the passage of any other vessel, craft or float; nor shall any vessel, craft or float be so moved as to run against or injure any bridge across the river, or any branch thereof, under a penalty of not less than ten dollars, nor exceeding one hundred dollars, to the master, owner or person in charge thereof.

8. SPEED AT BRIDGES—OBSTRUCTING OF BRIDGES—PENALTY.] All vessels, crafts or floats navigating the harbor, when passing any bridge or ferry, shall be moved past the same as expeditiously as is consistent with a proper movement in the harbor, but in no case shall any vessel, craft or float, while passing any bridge or ferry and obstructing the passage across such bridge or ferry, move at a rate of speed less than two miles per hour; and no vessel, craft or float shall be so anchored or fastened as to prevent any bridge from a free and speedy opening or any ferry boat from a free and direct passage; nor shall any line or fastening be so thrown, laid or made fast, as to cross the track of any bridge or ferry, under a penalty of twenty-five dollars for each offense, to the master or other person having charge of such vessel, craft or float.

9. VESSELS TO BE TOWED AT BRIDGES—PENALTY.] All vessels, crafts or floats not propelled by steam, navigating the harbor, for which the opening of any bridge may be necessary, shall, while approaching and passing such

bridge, be towed by a steam tug, under a penalty, upon the master, owner or person in charge thereof, of not less than twenty-five dollars nor exceeding one hundred dollars.

10. INJURY TO BRIDGE—PENALTY.] Whenever any person having charge of any vessel, craft or float shall wish to move the same past any ferry or bridge, reasonable time shall be allowed for the opening of the same; and any person who shall move any vessel, craft or float against any bridge or ferry, or the draw of any bridge, before the same shall be opened, to the injury thereof, shall be subject to a fine not exceeding five hundred dollars, and be likewise answerable to the city for damages.

11. DISCHARGED CARGO PROJECTING OVER WHARF—PENALTY.] No person discharging the cargo of any vessel, craft or float shall suffer any part of such cargo to remain projecting over the front of any wharf after such vessel, craft or float shall remove from the wharf, under a penalty, to the master, owner or other person having charge of such vessel, craft or float occupying such wharf, of ten dollars for every hour such projection shall continue.

12. RULES OF NAVIGATION—SMOKE-PIPES — PERSON IN CHARGE—GUNPOWDER—ANCHORS, LIGHTS AND FIRES, ETC.—PENALTY.] All vessels, crafts or floats lying in or navigating the harbor, shall be respectively governed by the following further provisions:

First. All vessels using steam shall have their smoke-pipes so constructed and managed as to prevent sparks or coals of fire escaping therefrom, and shall be moved slowly at a speed not exceeding three miles per hour, and under a low head of steam. All tug-boats or steam vessels used chiefly for towing shall have a joint in their smoke-pipes, and shall be constructed in all respects in such a manner as to be able to pass under any bridge which is not less than thirteen feet above the surface of the water.

Second. All sail vessels shall likewise be moved slowly and under short sail, so as not in any case to endanger or injure other vessels.

Third. No master or other person owning or having charge of any vessel, craft or float shall leave the same in the harbor without having on board or in charge thereof some competent person to control, manage and secure the same, without first obtaining permission of the harbor master.

Fourth. No vessel laden in whole or in part with gunpowder or gun-cotton shall land at or make fast to any dock or wharf upon the Chicago river, or either branch thereof, between the south line of the school section and Chicago avenue, or discharge such gunpowder or gun-cotton within said limits. The harbor master shall prevent any vessel with gunpowder or gun-cotton on board from making fast to any wharf or dock, or unloading within the limits aforesaid.

Fifth. All vessels, crafts or floats, whether using steam or otherwise, while in the harbor, shall have and keep their anchors in board or suspended from the hawse pipe by the ring or shackle, and said ring and shackle shall be below the surface of the water, and their lower yards cock-billed, and their upper yards braced up sharp.

Sixth. They shall likewise have and keep out board during the night time a conspicuous light, and shall have extinguished or safely secured at dark all fires which may be kept on board.

Seventh. No vessel, craft or float shall be suffered to lie in the harbor drift or insecurely fastened.

Eighth. Any master, owner or other person having charge of any such vessel, craft or float shall be subject to a fine of not less than twenty dollars, nor exceeding one hundred dollars, for every violation of any of the foregoing provisions, and to like fine for every refusal to conform thereto when directed by the harbor master.

13. PENALTIES A LIEN.] All penalties, fines and damages which may be incurred by the owner, consignee, master or other person having charge of any vessel, craft or float, under any provision of this chapter, are hereby declared to be recoverable of and a charge and lien on the vessel, craft or float of which he may be owner, consignee, master or in charge; and such lien may be enforced in the same manner as other liens against the same.

14. DEPOSIT OF EARTH, ETC. — FLOATING MATTER — OBSTRUCTIONS—PENALTY.] No person shall cast or deposit, or suffer to be cast or deposited, in the harbor or slips within the limits of the city, any earth, ashes or other heavy substance or substances, filth, logs or floating matter, or any obstructions, under a fine of not more than one hundred dollars for each and every offense, and not more than twenty-five dollars for every day the same shall be suffered to remain there.

15. HARBOR MASTER A SPECIAL POLICEMAN.] The harbor master shall be appointed a special policeman, for the purpose of carrying more readily into effect the police regulations of the city concerning the harbor under his charge, and to preserve the public peace and quiet in and about said harbor.

16. CONSTRUCTION OF WORDS USED—HARBOR DEFINED.] The words "vessels, crafts and floats" shall be deemed to include every species of steam and other vessels or boats lying or floating in or navigating the harbor, and also all rafts of logs, timber, wood, lumber or other floating matter; and the harbor shall be deemed to include the Chicago river and its branches to their respective sources, the piers, and so much of Lake Michigan as lies within the distance of one mile of the shores of the city.

17. DREDGES AND MACHINERY—INJURY TO—PENALTY.] If any owner, or master, or other person in charge of, or command of, or sailing any tug boat or towing boat in and upon the Chicago river, or any of the branches of said river, or upon Lake Michigan within said city limits, shall run, sail or cause to be run or sailed such tug boat or towing boat, or anything that they may have in tow, upon, against or over any rope, chain or other fastening mooring any dredge in said river or any branch thereof or lake within said city, or other machines used by said city, in either of said river branches or lake, for deepening, widening and improving the same, or either of them, or any part thereof, so that the said dredge or other machine shall be displaced, hindered or delayed in the working thereof, such persons so offending shall forfeit and pay to said city any sum not less than ten dollars nor more than one hundred dollars for each offense.

CHAPTER 16.

HAY.

SECTION.

1. Hay to be weighed by city weighers.
2. Weighers' scales to be tested quarterly.
3. Weights to be registered—Net weights to be shown—Re-weighing.
4. Hay not to be sold before weighed—All sales to be on hay stands.
5. Regulations for sale of baled hay.

SECTION.

6. Comptroller to examine records of weighers.
7. Accounts of weighers—Their compensation.
8. Sales only to be at hay stands—Requisites of a sale.
9. Hay stands established.
10. Penalty prescribed.

1. HAY TO BE WEIGHED—CERTIFICATE—FEE.] *Rev. Ord. 1866.* It shall be the duty of the city weighers, severally, to provide themselves with proper scales, and well and truly to weigh any cart, wagon or sled load of hay, when applied to by any person desiring the same, and to make such reduction from the weight of such hay as to them may seem reasonable and just, by reason of said hay being damp, wet, or not well cured, and deliver, to the person so applying, a certificate thereof, for which the said weighers may demand and receive the sum of twenty cents, from the person having the same weighed, for the use of said city.

2. SCALES TO BE TESTED QUARTERLY.] The said city weighers shall severally have their hay scales inspected and tested, as often as once in three months, by the city sealer of weights and measures, and oftener, if required by any person desiring to use the same: *Provided*, if any person shall require the same to be tested as aforesaid oftener than once in three months, and they are so tested and found correct, the person so requiring the same to be tested, shall pay the expense of such testing.

3. REGISTRY OF WEIGHTS—NET WEIGHTS TO BE SHOWN—RE-WEIGHING—DUTY OF WEIGHERS.] The said city weighers shall severally provide themselves with, and each shall keep, a book in which he shall enter the amount of each load, and the name of each person for whom, and the date when the same was weighed; and when the vehicle and load shall be weighed together, the city weigher's certificate shall state the gross weight thereof, and upon the sale or delivery of said load the vehicle shall again be weighed, without charge, by the city weigher who weighed the original load, and thus the net weight of the load ascertained; and in no case shall any city weigher state in his said certificate the weight of any vehicle which may have been weighed with any load, until such city weigher shall have ascertained the weight of such vehicle by actually personally weighing the same on his said scales. And on the request of any purchaser, every load or bale of hay so offered for sale shall be re-weighed, and the expense of re-weighing shall be paid by the purchaser if the weight be found correct, but if found incorrect the expense of

weighing such load or bale of hay shall be paid by the seller. And it is hereby made the express duty of the city weighers to use great diligence in detecting and bringing to punishment any person or persons who shall offend against any of the provisions of this chapter.

4. TO BE SOLD AT HAY STANDS—WEIGHED BEFORE SALE—FRAUD IN CERTIFICATE.] All hay which shall be offered for sale by the load in the city of Chicago, shall stand on one of the hay stands designated by the common council, in such order and manner as the mayor shall direct, and no person shall offer for sale or sell any load of hay within the limits of the city

Chicago without the same having first been weighed by a city weigher, and a certificate thereof, in conformity herewith, given. No person shall use any certificate of any city weigher, or use or attempt to use the same for any other load or parcel than the one for which the same was given, nor, after the weighing and before the sale and delivery of any load or parcel, diminish the quantity thereof.

5. BALE HAY—TO BE STAMPED—SHORT WEIGHT.] All hay sold or offered for sale by the bale, shall first be weighed by some city weigher, and the amount of the weight of said bale or bales shall be stamped or marked, with the name of the person so selling the same, on such bale; and if said bale or bales of hay, so sold or offered for sale, shall weigh less than the amount so marked or stamped thereon, the person so selling, or offering the same for sale, shall be deemed guilty of violating this chapter.

6. COMPTROLLER TO EXAMINE RECORDS.] The city comptroller shall be permitted, by himself or his agent, to examine said records mentioned in section three, at his pleasure.

7. WEIGHERS TO ACCOUNT—COMPENSATION OF.] Each and every of said weighers shall, on Monday of each and every week, account with and pay over to the city comptroller all moneys received by him for weighing hay, aforesaid, for the use of said city. The city comptroller shall allow to each city weigher, upon said weekly payments being made by him, as a full compensation for his services under this chapter, the sum of eleven cents for each and every load or part of load of hay weighed by him.

8. HAY TO BE SOLD AT MARKETS—CONDITION OF SALE.] No person shall sell or offer for sale by the load any hay within said city in any other place than upon a hay market established by the common council. And before the sale of any load of hay the seller shall exhibit to the proposed purchaser the weigher's certificate mentioned in section three, and upon the sale of each load the seller shall deliver to the purchaser the said certificate.

9. HAY STANDS ESTABLISHED.] *Rev. Ord. 1866; amends. Oct. 15, 1866; Oct. 21, 1872; Oct. 23, 1872.* That part of block No. 18, in the School section addition to Chicago, which lies south of Sebor street, and the south one hundred and twelve feet of said block No. 18 which lies north of Sebor street, said parcels of land fronting on Desplaines street, and running back to Sebor street four hundred and twenty-three feet or more to the west line of said block; lots one, two, three, four, five, six, seven, eight, forty-one and forty-two of block six of Uhlich and Muhlke's addition to Chicago; and Illinois street from the east line of North Clark street to the west line of North Dearborn street, leaving a space of at least twenty feet open in the

centre of the street for the passage of teams, are hereby designated as hay markets or stands, subject, however, to all such general ordinances as are now in force or that may hereafter be enacted, and also such rules and regulations as are or may be prescribed by the board of public works.

10. PENALTY.] Any person who shall offend against any of the provisions of this chapter shall be fined, on conviction, in any sum, not exceeding one hundred dollars, in the discretion of the court.

CHAPTER 17.

HEALTH DEPARTMENT.

SECTION.

1. Prevention of contagion—Right to prescribe vaccination.
2. Duties and powers of health officers.
3. Proceeding to abate nuisances.
4. Patients having infectious diseases to be removed.
5. Notice of small pox, how given—Penalty for removing notice.
6. City hospitals, how supplied—Interment of dead bodies.
7. Unsound and offensive matter in streets, etc.—Penalty.
8. Penalty for placing offensive matter in lake or river, etc.
9. Physicians to report cases of infectious disease.

SECTION.

10. Householdors also to report cases of infectious disease.
11. Duties of city physician prescribed.
12. Quarantine stations and hospitals to be established, when
13. Quarantine regulations, how to be enforced.
14. Power to detain conveyances at quarantine—Liability for disobedience.
15. Regulations of quarantine, how made and by whom enforced.
16. Physicians, nurses, servants, etc., how to be employed.
17. Regulations to be obeyed and enforced.
18. Application of quarantine fund.
19. Penalties prescribed.

1. PREVENTION OF CONTAGION—VACCINATION MAY BE ORDERED—PENALTY—PROVISO.] *Rev. Ord. 1866; act Leg. Feb. 16, 1865.* The board of health may take such measures as they may, from time to time, deem necessary to prevent the spread of the small-pox (or other pestilential diseases), by issuing an order requiring all persons in the city, or any part thereof, to be vaccinated within such time as they shall prescribe; and all persons refusing or neglecting to obey such order shall be liable to a fine of not less than three dollars nor more than twenty-five dollars: *Provided*, that it shall be the duty of the board to provide for the vaccination of such persons as are unable to pay for the same at the expense of the city.

2. HEALTH OFFICERS—DUTIES AND POWERS OF.] It shall be the duty of the health officer to carry out all the orders of the board of health and the laws of the state and ordinances of the city in relation to the sanitary regulations of the city; to proceed, from time to time, to make a thorough and systematic examination of the city, and cause all nuisances to be abated with all reasonable promptness. And for the purpose of carrying out the foregoing requirements, he shall be permitted at all times, from the rising to the setting of the sun, to enter into any house, store, stable or other building, and to cause the floors to be raised, if he shall deem it necessary, in order to

a thorough examination of cellars, vaults, sinks or drains ; to enter upon all lots or grounds, and to cause all stagnant waters to be drained off, the pools, sinks, vaults, drains or low grounds to be cleansed, filled up or otherwise improved or amended ; to cause all privies to be cleansed and kept in good condition ; and to cause all dead animals or other nauseous or unwholesome things or substances, to be buried or removed beyond the limits of the city.

3. NUISANCE—PROCEEDING TO ABATE—NEGLECT TO COMPLY—PENALTY.] In order to the carrying out of the provisions of the foregoing section, it shall be the duty of the health officer to serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or who may be the owner or cause of any such nuisance, requiring them to abate the same in such manner as he shall prescribe, within reasonable time : *Provided*, that it shall not be necessary in any case for the health officer to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable so to do ; and such notice may be given or served by any officer who may be directed or deputed to give or make the same, and if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, they shall be subject to a fine of not less than three dollars nor more than fifty dollars for every such violation, and it shall be the duty of the said officer to proceed at once, upon the expiration of the time specified in said notice, to cause such nuisance to be abated : *Provided*, that whenever the owner, occupant or agent of any premises, in or upon which any nuisance may be found, is unknown or cannot be found, the said health officer shall proceed to abate the same without notice ; and in either case the expense of such abatement shall be collected in the manner provided by the city charter and amendments thereto.

4. PATIENTS HAVING INFECTIOUS DISEASES TO BE REMOVED.] It shall be the further duty of the health officer to visit and examine all sick persons who shall be reported to him as laboring, or supposed to be laboring, under any yellow or ship fever, small pox, cholera, or any infectious or pestilential disease, and, under the advice of the city physician, cause all such infected persons to be removed to the cholera, small pox, or other hospitals, or to such other safe and proper place as he may think proper, or as he shall be directed by the said city physician, not exceeding three miles from said city, and cause them to be provided with suitable nurses and medical attendance at their own expense, if they are able to pay for the same, but, if not, then at the expense of the city.

5. SMALL POX—NOTICE OF—REMOVAL OF NOTICE—PENALTY.] It shall be the further duty of the health officer, when directed by the city physician or by the board of health, to cause a notice, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with small pox, upon which shall be written, or printed, the words, "small pox here" ; and if any person or persons shall deface, alter, mutilate, destroy, or tear down such notice, without permission of the board of health, or of the health officer, such person or persons shall be liable, for each offense, to pay a fine of not less than twenty-five, nor more than fifty dollars ; the occupant of any house upon which such notice shall be placed or

posted as aforesaid, shall be held responsible for the removal of the same, and if the same shall be removed without the permission of the board of health or of the health officer, such occupant shall be subject to the like fine of not less than twenty-five dollars, nor more than fifty dollars, unless he shall notify the board of health, or the health officer, within twenty-four hours after the removal of the said notice.

6. CITY HOSPITALS—HOW TO BE SUPPLIED—INTERMENT OF CORPSES.] It shall be the duty of the health officer to see that the hospitals of the city are supplied with suitable nurses, furniture, nourishment, fuel, and medicines, under the direction of the board of health, or city physician, and that persons dying therein, or in other places under the charge of the city, are decently and promptly buried at the expense of the city: *Provided*, such deceased persons have not the means to defray their own expenses of sickness or burial.

7. OFFENSIVE MATTER IN STREETS, ETC., AND ON PREMISES—PENALTY.] No person shall throw, place, or conduct, or suffer his or her servant, child, or family to throw, place or conduct into any street, alley, or lot, any putrid or unsound beef, pork, fish, hides, or skins of any kind, or any filth, offal, dung, dead animal, vegetables, oyster shells, or any unsound or offensive matter whatever, or anything likely to become offensive. Nor shall any person allow such filth, offal, dung, or other offensive matter as aforesaid, to be or remain upon their premises, or in any outhouse, stable, privy, or other places owned or occupied by them, or in any alley or street in front of such premises, in such manner as to be offensive to the neighborhood. And any person who shall violate any of the provisions of this section, shall be fined in a sum not exceeding twenty-five dollars.

8. OFFENSIVE MATTER IN RIVER, LAKE, ETC.—PENALTY.] No person or persons shall throw, place or deposit, or cause to be thrown, placed or deposited, any dung, carrion, dead animal, offal or other putrid or unwholesome substance, or the contents of any privy, upon the margin or banks, or into the waters of Lake Michigan, within the limits of said city of Chicago, or upon the margin, banks, or into the waters of the Chicago river, or either of its branches, or upon any public grounds, or upon any lot within the limits of said city, under a penalty of twenty-five dollars for each and every offense, and a further penalty of five dollars for each and every day the same shall be allowed to remain, after a conviction for the first offense.

9. PHYSICIANS TO REPORT CASES OF INFECTIOUS DISEASES—PENALTY.] Every practising physician in the city who shall have a patient laboring under any malignant or yellow fever, small pox, or other infectious or pestilential disease, shall forthwith make report thereof in writing to the secretary of the board of health, describing the street, number and locality of the house or place where the said patient may be located, so that it may be easily found, and for neglecting so to do shall be liable to a fine of fifty dollars.

10. HOUSEHOLDERS ALSO TO REPORT—PENALTY.] *Rev. Ord., 1866; amend. act. Leg. Apr. 25, 1871.* No person shall put out, remove, or allow to be put out or removed, from the premises or place occupied or owned by him, into any street, alley, or other public place in said city, any person having the small pox or any other infectious or pestilential disease; but such owner

or occupant shall immediately report such case to the health officer or secretary of the board of health. Any person who shall violate any clause of, or neglect to perform any duty required in, this section, shall pay a penalty of not less than ten dollars, nor more than one hundred dollars, and may be confined in the house of correction not exceeding sixty days.

11. CITY PHYSICIAN—DUTIES OF.] *Rev. Ord. 1866; Ord. July 23, 1866.* It shall be the duty of the city physician:

First. To have and exercise a general supervision over the sanitary condition of the city, and to report to the board of health all nuisances, the prevalence of any epidemic, contagious or infectious disease, or other causes, which, in his opinion, are likely to be detrimental to the general health.

Second. To keep on hand, at all times, a sufficient supply of genuine vaccine matter, and to see that all persons, so far as he may have it in his power, are properly vaccinated, especially those in the vicinity of any person attacked by small pox.

Third. Upon being informed of the existence or introduction of any contagious or infectious disease within the city, to inquire immediately into the facts, and report the same to the board of health, and see that the orders of the board of health are obeyed as far as practicable.

Fourth. To superintend the small pox, cholera and other city hospitals, and administer to all persons conveyed there, who have no other physician, or who are unable to employ one; to attend and administer to such other indigent persons as he may be directed to by the board of health or the health officer; and to visit and administer to prisoners sick in the city work house, calaboose, watch house, police stations, or house of correction, and to make at least three visits to the house of correction each week.

Fifth. To attend the meetings of the board of health and report to it all cases where any sick person has not been properly attended to, and all other matters which he may deem important, and give such information as the said board may desire in relation to the sanitary condition or regulations of the city, so far as he may be able so to do.

Sixth. To examine, at the request of the board of health or health officer, boats and vessels coming into port, the officers, crews or passengers of which may be supposed to be affected by any contagious or infectious disease, and advise the health officer what disposition shall be made of the same; and to perform such other duties as the common council shall hereafter prescribe, including the vaccination of the children in the public schools or of others requesting him to do so; and to make a monthly report of his transactions to the common council, together with such suggestions as experience may point out as calculated to promote the general sanitary condition of the city.

12. QUARANTINE—STATION AND HOSPITALS—HOW AND WHEN ESTABLISHED—REGULATIONS.] *Rev. Ord. 1866.* The board of health, by and with the approval of the common council, may select, purchase, lease and establish such sites, places and boundaries for quarantine stations and purposes, and, with the approval of said council, may erect, from time to time, such buildings and hospitals upon such sites and places, and so keep the same in repair, as in their judgment shall be deemed necessary, and the said board, whenever and at such times as by them it shall be deemed necessary, may,

by proclamation (the approval of the common council being first had and obtained), require all boats, vessels, railroad cars or other public conveyances bound for this city, before the same shall land or stop at any wharf, depot or landing or stopping place therein, to touch or stop at any or either of the sites, places or boundaries so selected and established for quarantine purposes and leave all such emigrants, travelers or persons recently from seaboard, and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries shall be deemed proper, on account of the existence or general report of cholera, ship fever or any contagious disease, or disease apprehended to endanger the health of the city; and whenever it shall be deemed necessary to issue the said proclamation, it shall be the duty of the said board to send the same, together with the substance of the regulations for quarantine, and the period for which the same shall be in force, unless sooner revoked, to New York, Buffalo, Detroit, Toledo, LaSalle, St. Louis, Galena, Dubuque, Burlington, and such other cities and places as by them shall be deemed proper; and shall also cause to be stationed at such quarantine sites, places and boundaries as said board may deem advisable, one or more physicians or health officers, whose duty it shall be to go on board and examine all boats, vessels, cars or other public conveyances, so as aforesaid required to touch or stop at said quarantines respectively, and then and there determine what emigrants, passengers or persons (if any) shall be permitted to come to the city, and what emigrants, passengers or persons (if any) shall stop at such quarantine; and it shall be the duty of all persons conducting or in charge of any such vessel, boat, car or public conveyance to aid and assist any physician or health officer so, as aforesaid, stationed, in the exercise of his duties; and the said physicians or health officers shall attend to all sick persons who may be landed or placed in quarantine, and provide medicines and necessaries for their use, and shall have general supervision of such quarantines and compel persons therein to purify their bodies, clothes and baggage, and do all such acts and things as shall be proper in the premises, keeping correct accounts of all expenditures and wages, which shall be allowed and paid by order of the said board. And whenever the physician or officer in charge of any quarantine station or place, as aforesaid, shall, upon examination, be satisfied that there is no longer occasion for the detention of any boat, vessel, car or conveyance at such quarantine or place, and such boat, vessel, car or conveyance shall have been thoroughly cleansed, and such persons as aforesaid landed and placed in the care of such physician or officer, such physician or officer shall give such vessel, boat, car or conveyance a permit, signed by him, to enter the city, which shall be ample authority for the entry of said boat, vessel, car or conveyance, and the said officers, respectively, shall discharge all persons in quarantine by their certificate for that purpose, whenever they are satisfied that such persons are free of disease and their baggage and effects properly purified: *Provided, however,* that the board in their discretion, by proclamation for that purpose, may, during the prevalence of cholera, ship fever, or other contagious or fatal disease, forbid the admission of emigrants or others peculiarly liable thereto, into any or all of said quarantines or stations, until, in their opinion, the health of the city will justify the same.

13. ENFORCEMENT OF QUARANTINE REGULATIONS.] It shall be the duty of the said board, whenever by them it shall be deemed necessary, to keep at the quarantine station or stations a sufficient police force, whose duty it shall be to enforce all regulations by this chapter required, or by said board to be established, and to arrest all persons violating said regulations or committing any breaches of the peace, and bring such persons before any court having jurisdiction, for trial, and to arrest and hold for trial all persons disobeying, or interfering with, or resisting any physician, health officer or other person in authority at such quarantine site, place or station.

14. POWER TO STOP AND HOLD AT QUARANTINE—LIABILITY FOR DISOBEDIENCE.] In case any boat, vessel, car or public conveyance shall leave any quarantine station, place or boundary without a permit as aforesaid, or shall fail to stop at the same, when so, as aforesaid, required by the issuing of the said proclamation, or whenever the person in charge thereof, or any person under his command, shall fail or refuse to obey any regulation or command of the said board, health officer, physician or person in charge of any quarantine station or place, or of any provision or requirement of this chapter, the said board shall have the power, and it is hereby made their duty, if in their opinion the health of the city requires it, to send sufficient police force to such boat, vessel, car or public conveyance, and cause the same, with the crew and passengers on board, to be landed, or stopped, or conveyed to the quarantine station or place, and there to remain until properly discharged by the permit aforesaid; and the owner, master or the person in charge of any such boat, vessel, car or public conveyance, shall be liable to the city for all expenses and costs incurred by reason thereof; and if any emigrant, traveler or person, so placed in quarantine as aforesaid, shall leave the same without permission as aforesaid, he may be arrested and taken back to said quarantine, and there retained until such permission shall be given.

15. REGULATION OF QUARANTINE—PHYSICIANS TO ENFORCE RULES.] The said board shall make such rules and regulations for the government of the quarantine or health of the city, as, from time to time, they shall deem necessary; and the physicians or health officers in charge of any quarantine station or place shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof; and it shall be the duty of all persons in quarantine and all agents, officers, policemen or others employed by the city in and about said quarantine stations or places to carry out and obey the same.

16. QUARANTINE PHYSICIANS—NURSES, ETC.—HOW EMPLOYED—SALARY—EXPENSES—PAYMENT.] The said board, by and with the approval of the common council, may appoint one or more competent physicians as quarantine physicians, who shall be present at such quarantine stations as the said board shall designate, and at such times as said board shall direct, and attend to all the duties imposed by this chapter or by the regulations of said board, who shall receive, each, for actual services rendered, and for such time as such services shall be actually required, not less than five dollars nor more than ten dollars per day, to be allowed by the said board; also the said board may employ such agents, servants, nurses or temporary medical assistants for the purpose of carrying into effect the objects and intent of this chapter, or of

any regulation of the board, as in their judgment shall from time to time be necessary, or authorize the employment thereof by the physicians or health officers in charge of any quarantine or station. All the salaries, wages and expenses in this section contemplated, are to be audited and allowed by the said board, and when so allowed, are to be paid out of the fund set apart for quarantine purposes, or, in case of necessity, out of the contingent fund of the city: *Provided*, that, when practicable, the persons taken in such quarantines or stations and receiving the aid and care afforded thereby, shall each pay a sum of money sufficient to meet all expenses, labor and care incurred in his behalf, which said amounts shall be faithfully kept, reported and accounted for by the physician, health officer or other person in charge of said quarantine or station, to the said board; and all other expenses incurred or to be incurred by reason of this chapter, or of any regulation of said board, shall be paid out of the fund set apart for quarantine purposes, or, when necessary, out of the contingent fund of the city.

17. QUARANTINE REGULATIONS TO BE ENFORCED AND OBEYED.] No person, master, captain or conductor in charge of any boat, vessel, railroad car or public conveyance, shall knowingly bring into this city any person or persons diseased of cholera, smallpox, ship fever, or contagious or communicable disease whatsoever; and no vessel, boat, railroad car or public conveyance, at any time covered by the said proclamation, shall pass by any quarantine station or place without stopping, nor shall leave the same without the permit aforesaid, and no person stopping in said quarantine, or so, as aforesaid, received therein, shall leave the same without first obtaining permission as aforesaid; nor shall any person aid or abet any master, conductor or person in charge of any boat, vessel, railroad car or public conveyance, in violating, neglecting or evading any provision or requirement of this chapter; nor shall any person interfere with, resist, or neglect, or refuse to obey the orders of any physician, health officer, policeman or other person in authority at any quarantine station or place of quarantine so, as aforesaid, established, nor do any act or thing in violation of, or in disobedience to, any of the provisions, clauses or sections of this chapter; nor shall commit any breach of the peace, or do any act calculated in any way to defeat or interfere with the provisions or requirements of this chapter, or of any regulation of the said board, physician or officer in charge of any quarantine.

18. FUND—APPLICATION OF—REPORTS.] The moneys appropriated to the quarantine fund shall be faithfully applied by the said board to the true objects and purposes of its appropriation, and the said board shall make reports of their doings and expenditures to the common council whenever requested so to do.

19. PENALTIES.] Any master of a vessel, conductor, captain or person whatsoever, who shall violate any clause, provision, requirement, duty or regulation of this chapter, or of any rule or regulation of the said board, or physician or health officer in charge of any quarantine, or who shall fail or neglect to comply with any such clause, provision, requirement, duty or orders, or who shall interfere with, or in any manner resist any officer or agent of the city in the discharge of his duty as herein contemplated, or who shall commit any breach of the peace, or be guilty of any act or thing calculated to defeat or

interrupt the carrying into effect any part of this chapter, or any regulation of the said board, shall, in cases where no other penalty is provided, on conviction, pay a fine of not less than two dollars nor more than one hundred dollars.

CHAPTER 18.

HORSE RAILROADS.

SECTION.

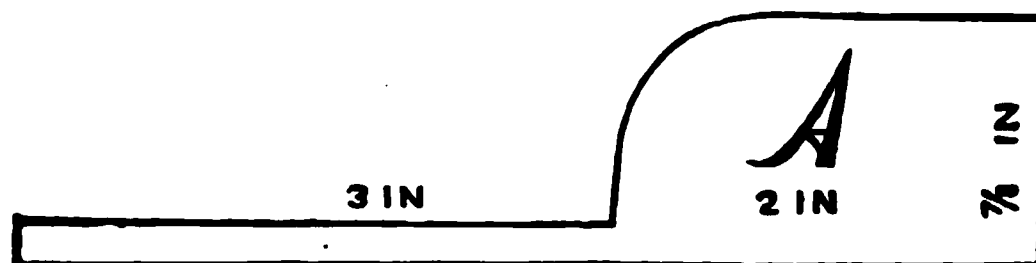
1. Gauge established.
2. Form of rail prescribed—Manner of laying.
3. Removal of other form of rails, when.
4. Railway tracks to be sprinkled, when.
5. Tracks and streets to be kept in repair.
6. Board of public works to enforce repairs and to keep complaint book.

SECTION.

7. Proceeding to compel repairs.
8. Prosecution of offending companies.
9. Cars not to be run without conductors.
10. Street crossings not to be obstructed.
11. Railway cars to have right of way.

1. **GAUGE ESTABLISHED.]** *Rev. Ord. 1866.* The gauge of all horse or other city railroads in the city of Chicago, now laid, or hereafter to be laid, is hereby fixed at four feet eight and one half inches.

2. **RAIL DESCRIBED—HOW TO BE LAID.]** All rails which shall hereafter be laid on any horse railroad track, or other railroad track, on the streets, alleys, or other public grounds of the city of Chicago shall be a tram rail, having a profile, taken crosswise of the rail, such as is shown on the sketch following, marked "A":



The width of said rail from outside to outside shall be five (5) inches. The width of the tram shall be three (3) inches horizontal. The height along the wagon edge, or the height from the tram to the highest part of the rail, shall not be more than seven-eighths (7-8) of an inch. The upper part of the rail shall be laid below the level of the surface of the street, and the whole manner of constructing said railways, so as to carry out the provisions of this chapter, shall be under the direction of the board of public works.

3. **OTHER RAILS TO BE REPAIRED—WHEN.]** In all streets where a railway is now laid with rails of a different form from that hereby prescribed for use, such rails shall be displaced by rails of the form herein prescribed, whenever the common council shall order the streets, in which such railways are laid, to be paved, graded, macadamized, planked, or otherwise improved.

4. **STREET SPRINKLING—PENALTY.]** *Rev. Ord. 1866; amend. June 17,*

1867. The several horse railroad companies having their railway tracks located in and along the different streets within the city of Chicago, shall, from and after the first day of May, and during and until the first day of November, in each and every year, keep moistened and well sprinkled with water the several streets within the city of Chicago, upon and along which they, or either of them, may use or operate their respective railway tracks. And each and every of such horse railroad companies shall for each and every day they, or any of them, shall fail to comply with the provisions of this section, be liable to a fine of not less than twenty-five dollars, nor exceeding one hundred dollars.

5. TRACKS AND STREETS TO BE MAINTAINED IN REPAIR.] *Rev. Ord. 1866.* Said companies shall keep the tracks of their respective roads in such condition, that said tracks shall not at any time be elevated above the surface of the streets on which they are laid; so that vehicles can easily and freely, at all times, cross said tracks at all points, in any direction, without obstruction. They shall also keep in good repair, such portions of the streets as they severally have agreed, or may agree, with said city, so to do.

6. BOARD OF PUBLIC WORKS TO ENFORCE—COMPLAINT BOOK TO BE KEPT.] The board of public works shall see that the provisions of the last section are complied with, and shall require inspectors of side-walks and foremen of street labor, to report to said board all cases that come to their knowledge of any neglect or failure of any of said companies so to comply. Said board shall also keep a book, accessible to the public, in which any resident in said city may enter complaint of the condition of said tracks, or the streets in which the same are laid.

7. FAILURE TO REPAIR—PROCEEDINGS TO COMPEL.] Whenever said companies, or either of them, shall neglect or fail to comply with the provisions of section five, the board of public works shall cause a notice to be served upon such company or companies, requiring the track or tracks, or part of track or tracks, or the portions of the streets required to be kept in repair by such company or companies mentioned in such notice, to be put in the condition required by section five, within five days after the service of such notice.

8. PENALTY—CITY ATTORNEY TO PROSECUTE.] Either of said companies who shall neglect or fail to put their track or tracks, or part of track or tracks, or any portion of the streets, mentioned in such notice, in the condition required by section five within five days after the service of such notice, shall forfeit and pay not less than one hundred dollars, and not more than five hundred dollars for every day such neglect or failure shall continue after the expiration of said five days; and the said board shall report every such case to the city attorney, who shall immediately prosecute the offending company to judgment and execution before any court of competent jurisdiction.

9. CARS NOT TO RUN WITHOUT CONDUCTOR—PENALTY.] *Ord. July 18, 1867.]* It shall be unlawful for any of the horse railway companies of the city of Chicago to suffer any of their cars to be run on any of the streets, or any portion or part thereof, in the said city, at any time, unless the same shall be in charge of and under the control of some competent conductor. For each and every violation of the provisions of this section the said companies, or

either of them, shall be subject to a fine of not less than ten dollars nor exceeding one hundred dollars.

10. NOT TO OBSTRUCT CROSSINGS—PENALTY.] *Rev. Ord.* 1866. All proprietors, conductors or drivers of horse railroad cars or omnibuses are prohibited from stopping their cars or omnibuses at any street crossing, so as to interfere with or interrupt the travel of the several streets which they in their respective routes are required to cross. In stopping their cars or omnibuses, for the accommodation of passengers, they shall in all cases pass over the respective cross streets and not stop until the rear of the car or omnibus, as the case may be, shall arrive at the last sidewalk crossing in the direction in which the car or omnibus shall be moving. All persons violating the provisions of this section shall be liable to a fine of not less than three dollars nor more than twenty-five dollars for each and every offense.

11. VEHICLES TO GIVE WAY TO CARS—PENALTY FOR OBSTRUCTING.] In all cases where any team or vehicle shall meet a car upon either of the horse railways upon the streets of said city, such team or vehicle shall give way to said car. Nor shall any person wilfully or maliciously obstruct, hinder or interfere with any of said railway cars, by placing, driving or stopping, or causing to be placed or driven at a slow pace, or stopped, any team, vehicle or other obstacle, in, upon, across, along or near to the track of said railways, or either of them, in said city, after being notified by the ringing of the car bell. Whoever shall wilfully violate any of the provisions of this section shall forfeit the sum of not less than five dollars nor more than twenty-five dollars for every such offense.

CHAPTER 19.

HOUSE OF CORRECTION.

SECTION.

1. Its location described.
2. Superintendent charged with the custody.
3. Who may be received in.
4. Obedience to rules to be enforced—Penalty of attempt to escape and violation of rules.
5. Penalty for resisting superintendent.

SECTION.

6. Process of commitment to be returned to comptroller.
7. Comptroller to record commitments.
8. Treasurer to receive fines paid and report the same.
9. How prisoners shall be discharged.
10. Superintendent to make quarterly report.

1. LOCATION DESCRIBED.] *Rev. Ord.* 1866 ; *act Leg.* Apr. 25, 1871 ; *Ord. Mar.* 2, 1868. The buildings and enclosures erected and now standing, or that may be erected on that part of E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of sec. 25 town. 39 N., R. 13 E., lying N. of the W. branch of the S. branch of the Chicago river, being between Twenty-sixth street and the west branch of the south branch of the Chicago river, situate and lying within the city of Chicago, are constituted and established a house of correction for the said city ; and

any buildings and enclosures that may hereafter be erected on any lot or lands purchased, owned or leased by the city of Chicago, for the purposes of a house of correction, whether within or without the limits of said city, shall be subject to the conditions and provisions of this chapter.

2. SUPERINTENDENT TO HAVE CUSTODY UNDER INSPECTORS.] The superintendent of the house of correction shall have the custody, rule, charge and keeping of the house of correction, and of all persons committed thereto, under the supervision and direction of the board of inspectors.

3. WHO TO BE RECEIVED IN.] It shall be the duty of the superintendent of the house of correction to receive into the said house of correction, such persons as may be committed thereto by any criminal court or magistrate in and for the city. And from and after the date of the execution of an agreement to that effect, between the city and the board of commissioners of Cook county, he shall receive into said house of correction any person or persons who may be sentenced or committed thereto by any court or magistrate in and of Cook county, when such commitment is for a time not less than thirty days; and he shall keep such persons at labor, or otherwise, according to the respective sentences or commitments of such persons, in such manner as the board of inspectors shall, from time to time, direct, and as is provided by "An act to establish houses of correction," etc., approved April 25, 1871.

4. OBEDIENCE REQUIRED OF INMATES—ESCAPE—VIOLATION OF RULES—PENALTY.] Every person committed to the house of correction shall obey the superintendent thereof in all his lawful commands, and shall not molest or hinder him in the discharge of his duty, and shall not escape or attempt to escape, or assist others to escape or attempt to escape therefrom, or destroy or injure any property appertaining to the house of correction and shall not transgress or violate the rules of discipline or any of them. Any person violating this section shall be fined not exceeding one hundred dollars and imprisoned not exceeding ninety days, or either, in the discretion of the magistrate or court convicting.

5. RESISTANCE TO SUPERINTENDENT—PENALTY.] It shall be lawful for the superintendent of the house of correction, and it is hereby made his duty, to arrest, or cause to be arrested and taken before a police justice of the city, every person who shall molest or in any manner interfere with the said superintendent or with any person in his custody or charge as a prisoner, while in the discharge of his duty, either in the house of correction or elsewhere; and any person who shall so molest or interfere with the superintendent of the house of correction, or person in his custody or charge, shall be fined a sum not exceeding fifty dollars.

6. POLICE—TO RETURN PROCESS OF COMMITMENT.] It shall be the duty of all members of the police force of the city of Chicago delivering any person to the house of correction to return immediately to the comptroller the mittimus or execution, or a duplicate thereof, by virtue of which said person was committed.

7. COMPTROLLER TO KEEP RECORD OF COMMITMENTS.] It shall be the duty of the comptroller to keep a record of the names of all persons committed to the house of correction, in a book or books to be provided for that purpose, showing the date of committal, days of imprisonment, amount of fine, etc.

8. TREASURER TO RECEIVE FINES PAID—REPORT—DISCHARGE OF PRISONERS.] It shall be the duty of the treasurer to receive all fines of persons who may have been committed to the house of correction, and to make a duplicate receipt of the payment thereof to the comptroller; and when it shall appear by the books of the comptroller that the term of imprisonment of any person is ended by virtue of such payment, or the expiration of his term of sentence, or both, the comptroller shall certify the fact to the superintendent of the house of correction, who shall carefully preserve said certificate and thereupon discharge the prisoner named.

9. HOW PRISONERS TO BE DISCHARGED.] No person shall be released from the house of correction by the superintendent thereof, except on the certificate of the comptroller, as provided in the last preceding section hereof, or by an order of the mayor or some court of competent jurisdiction.

10. SUPERINTENDENT'S QUARTERLY REPORT.] It shall be the duty of the superintendent of the house of correction to make out and deliver to the comptroller on the first day of each quarter, a statement, duly sworn to, showing the names of all persons who have been confined in the house of correction during the quarter past, the number of days of their several confinements during said quarter, the date of their committal and the names of all persons discharged or released during said quarter, and by what authority they were discharged or released.

CHAPTER 20.

INSPECTION OF FISH.

SECTION.

1. Fish to be inspected by authorized inspectors.
2. Interference with, or obstruction of, inspector prohibited.
3. Penalties.

SECTION.

4. Inspector's compensation—Pay for cooperage and salt.
5. All fish to be inspected before sale—Brand—Penalty.

1. ONLY BY AUTHORIZED INSPECTORS.] *Rev. Ord. 1866.* It shall not be lawful for any person not duly appointed and qualified as fish inspector, or assistant, under the revised charter of 1863 as amended by act of the legislature, approved March 10th, 1869, to act, or assume to act, as inspector of fish, or hold himself out to the public to be such inspector, in and for the city of Chicago.

2. OBSTRUCTING, OR INTERFERENCE WITH THE INSPECTOR PROHIBITED.] No person shall, directly or indirectly, obstruct or wilfully interfere with the fish inspector of the city of Chicago, lawfully appointed as aforesaid, or any of his assistants or employes, in the legitimate exercise of any of the rights, or the performance of any of the duties given, imposed and prescribed in and by section ten of chapter three of said charter.

3. PENALTIES.] Any person who shall violate either of the provisions of the first section of this chapter, shall forfeit the sum of twenty-five dollars for each and every offense of unlawfully acting, or assuming to act, as such inspector, and the like sum for every day he shall unlawfully hold himself out to the public to be such inspector; and any person who shall violate either of the provisions of the second section hereof shall forfeit the sum of twenty-five dollars for each and every offense.

4. COMPENSATION—COOPERAGE AND SALT.] Whenever the said fish inspector shall, in the course of his employment, furnish any cask, barrel or other cooperage, or supply salt, it shall and may be lawful for him to charge therefor a just compensation.

5. FISH TO BE INSPECTED BEFORE SALE—PENALTY—BRAND.] *Rev. Ord. 1866; amend. Oct. 8, 1866.* Any and all persons bringing or causing to be brought to the city of Chicago, or receiving on consignment or otherwise, for the purpose of sale, any freshwater fish in packages, shall have the same duly inspected by the fish inspector of the city of Chicago before such fish shall be sold or in any way disposed of; and it shall be the duty of every person having such fish in possession for the purpose of selling or dealing in the same, and of every consignee having fish on consignment, before the said fish shall be sold or in any way disposed of, to give notice to the inspector and have such fish duly inspected and branded; and for this purpose such person shall arrange the packages in a convenient manner, and have them in a suitable place. Any person or persons violating any of the provisions of this section shall be fined in a sum not to exceed twenty-five dollars for every barrel or other package of fish so sold without such inspection. The fish inspector shall brand upon each and every package of fish packed and put up in said city of Chicago for sale, of whatever size, the true and exact weight of fish in such package. And any person or persons who shall sell or dispose of any such package of fish not thus branded shall be subject to the penalty in this section last provided for.

CHAPTER 21.

INSPECTION OF GAS METERS.

SECTION.

1. Inspector how and when appointed—Power to remove retained—His oath of office.
2. Duty of inspector.
3. To give notice of tests to be made.
4. Inspection of meters to be conclusive.
5. Arrearages of gas bills to be paid before inspection—Overcharge to be refunded.
6. Inspection fee—How to be paid.
7. Certificate of examination to be furnished.
8. Time table for lighting street lamps to be made up—Copies to be furnished.
9. Other duties of inspector.
10. State of test-meters to be taken monthly and report to be made.
11. Test-meters to be maintained at engine houses.
12. Watchmen at engine houses to keep record and report.
13. Duty of lamp-lighters as to lighting and of police as to reporting.

SECTION.

14. Adjustment of gas bills.
15. Monthly report of test-lamps to be made—Proceedings to adjust discrepancies.
16. Supervision of street lamps and burners.
17. Inspector's office and office hours—Instruments how furnished.
18. Tests of quality of gas to be made.
19. Records to be kept.
20. Examination of test-meters and burners.
21. Inspector to make quarterly report.
22. Inspector's bond prescribed.
23. Salaries under this chapter.
24. When additional appointments may be made.
25. Comptroller to furnish apparatus for inspection and stationery for office.
26. Penal clause.

1. APPOINTMENT OF INSPECTOR—OATH OF OFFICE—POWER TO REMOVE.] *Rev. Ord. 1866; amends. July 25, 1870; May 27, 1872.]* There shall be appointed by the mayor, and confirmed by the common council, biennially, on the second Monday of May, or as soon thereafter as may be, some suitable person or persons to be styled "the inspector or inspectors of gas meters." Before entering upon the duties of his or their office or offices, the said inspector or inspectors shall be sworn to the faithful performance of his or their duties, as the same may, by ordinance, be assigned or prescribed; and the mayor is hereby authorized and empowered to remove such inspector or inspectors at any time for neglect of duty, or any other cause, and the mayor shall report such removals to the next regular meeting of the common council, with a nomination or nominations to fill the vacancy or vacancies for the remainder of the term or terms, and the council shall forthwith confirm or reject such nomination or nominations.

2. DUTY OF INSPECTOR.] *Rev. Ord. 1866.* It shall be the duty of such inspector or inspectors to examine and test any gas meters furnished to the consumer by any gas company furnishing gas in this city, whenever requested so to do by such consumer.

3. NOTICE OF TEST TO BE GIVEN.] The said inspector or inspectors shall always give notice to the consumer and the gas company who furnish the meter, at their office, of the time and place when and where he or they intends or intend to test the meter.

4. INSPECTION CONCLUSIVE AS TO GAS CONSUMED.] The inspection herein provided for shall be conclusive, both upon the company

and the consumer, as to the amount of gas consumed three months before the close of the month in which any meter shall be inspected, and until a new inspection shall be had—a new inspection relating back, as herein provided.

5. ARREARAGES TO BE PAID—OVERCHARGE TO BE REFUNDED.] Before any meter complained of by a consumer shall be examined the consumer shall pay to the gas company all arrearages for gas consumed (or alleged to have been consumed) which are then due and payable, and such gas company shall refund or receive, as the case may be, according to the results of the examination.

6. INSPECTOR'S FEE—HOW PAID.] The said inspector or inspectors shall be entitled to receive, in advance, from any consumer requiring his or their services, the sum of one dollar and his or their reasonable expenses, not exceeding two dollars for each meter by him or them inspected; such sum, however, to be refunded by the gas company, upon presentation to their treasurer of the inspector's certificate that the meter has been found by him or them to measure more gas than was actually consumed.

7. CERTIFICATE OF EXAMINATION.] The inspector or inspectors shall, when so requested by either party, furnish to the consumer or the gas company, free of charge, a certificate of the result of the examination made by him or them, of any meter.

8. TIME TABLE FOR LIGHTING STREET LAMPS—COPY TO GAS COMPANIES ETC.] *Ord. May 27, 1872.* The city comptroller is hereby required to employ the services of some competent person, and with the assistance of such person to calculate and determine upon a time table for lighting and extinguishing the public street lamps of the city of Chicago, to be adopted by the common council, from and after the adoption of such time table, until the respective contracts now existing between said city and the gas companies shall have expired by limitation. The said comptroller shall furnish correct copies of such time table to the respective gas companies which now have contracts to furnish the city with gas in the public street lamps; to the inspector of gas meters, and to the several watchmen stationed at the fire engine houses where test-meters are now located or to be located as hereinafter provided, and when such time table is prepared and copies so distributed as aforesaid, the same shall regulate the time of lighting and extinguishing all the public street lamps within said city, as provided in the several contracts with said gas companies.

9. FURTHER DUTIES OF INSPECTORS.] In addition to the duties of the inspector of gas meters prescribed in section two of this chapter, it is hereby made the duty of said inspector to carefully inspect and test each of the gas meters attached to what are commonly called test-lamps, and by which the gas paid for by the city of Chicago is measured, as often as once in three months, and to cause the same to be kept in perfect order; and he shall examine and test the burners on such test-lamps, and in case they consume too fast or too slow to cause the same to be properly adjusted. Said inspector, before proceeding to test any such test or gauge meter or burner, shall give reasonable notice in writing of the time and place of making such tests to the proper gas company.

10. TO TAKE MONTHLY STATE OF METER—REPORT.] The said

inspector shall on the day on which the respective gas companies take the state of test or gauge meters, each and every month, attend in person and take the state of the meters, keep a record of each; and he shall on the succeeding day make a report thereof to the city comptroller, showing the number of feet of gas shown to be consumed by each of said test-meters, giving their location. It is hereby made the duty of said gas companies to give the said inspector notice of the time of taking the state of such meters, and on failure to receive such notice the said inspector shall, on the first day of each month, proceed in person to take the state of such meters, and report to the comptroller the day following: *Provided*, that if any of the days herein set shall fall on the Sabbath, commonly called Sunday, the day following shall be substituted: *And provided, further*, that in case said inspector, from sickness or other unavoidable causes, shall be unable to perform the duties herein required, the mayor shall forthwith designate and appoint some competent person to act and perform said duties for the time being.

11. TEST-METERS AT ENGINE HOUSES.] The board of public works shall cause to be maintained a test or gauge meter and lamp at two different fire-engine houses in each division of the city, to be known as city test or gauge lamps, which shall be furnished with like meters and burners as the other test-lamps. The meters of the same shall be enclosed with a strong wooden box, securely locked, and the key thereof given to the inspector of gas meters. The respective gas companies are hereby authorized to test the said city test or gauge lamps, meters and burners once in three months, if they desire to do so, after giving reasonable notice to the inspector of such intention.

12. DUTY OF WATCHMEN—MONTHLY REPORT.] It is hereby made the duty of the watchman at each fire-engine house in said city where any meter attached to test or gauge lamps is or may be located, to keep a true and correct record of the time at which such test or gauge lamp is lighted and of the time when the same is extinguished. And the watchmen at such fire-engine houses where the city test-lamps are located and the meters locked up, as hereinbefore provided, shall attend to the lighting and extinguishing of the same, in strict accordance with the time table provided for in the eighth section of this chapter. And all of the said watchmen shall make monthly reports under oath to the inspector of gas meters.

13. DUTY OF LAMP-LIGHTERS—OF POLICE—REPORT TO AND BY INSPECTOR.] That, to equalize the time, it is hereby made the duty of the persons employed to light the public street lamps by the several gas companies which furnish the city with gas, to cause the test or gauge lamps and other public lamps first lighted to be first extinguished, taking them in the same order in which they were respectively lighted; that is to say, if any test or gauge lamp is first lighted it shall be the first extinguished, and so with street lamps. And it is hereby made the duty of all police patrolmen, as well as all firemen and watchmen at fire-engine houses, to report all violations of the provisions of this section to the inspector of gas meters, who shall report the facts in writing to the common council without delay.

14. ADJUSTMENT OF GAS BILL.] The inspector shall file, with his monthly reports to the comptroller, the reports of the respective watchmen, and the comptroller shall compare the time so reported with the quantity of

gas consumed, as reported by said inspector, and in case he finds any material discrepancy between the quantity so ascertained and the bills rendered by the respective gas companies, he shall not pay such bills until they are properly adjusted; and the said comptroller is hereby authorized on the part of the city to make such adjustment on fair and equitable principles.

15. MONTHLY REPORT OF STATE OF CITY TEST-LAMPS—PROCEEDINGS WHEN DISCREPANCY.] The inspector shall also carefully report to the city comptroller the state of the city test or gauge lamps as shown by their meters on the same day the other test-lamps are taken, and the said comptroller shall examine and compare the same with the report of the other test-lamps, and if he finds any substantial discrepancy between the said reports, he shall forthwith make an investigation as to the cause of such discrepancy, and report the result of such investigation to the common council.

16. INSPECTOR TO SUPERVISE LAMPS—BURNERS OF EQUAL SIZE.] It is hereby made the duty of the said inspector to keep a supervision over all the said test-lamps and the public street lamps, together with the burners thereto attached, and he shall see that they are kept clean and in perfect order; the burners to be of equal size, and of the size provided for in the contract of said city with any person or company furnishing or supplying the city with gas.

17. INSPECTOR'S OFFICE—INSTRUMENTS.] The said inspector shall keep an office in the city hall, to be provided by the board of public works, where he shall be found at all business hours of the day, except when absent on business connected with his official duties, and shall keep in his office a good and accurate photometer, meter and prover, to be furnished by the city of Chicago.

18. QUALITY OF GAS TO BE TESTED.] Said inspector shall from time to time make photometrical tests of the quality of the gas furnished by the gas companies, and shall communicate to the common council the result of such tests.

19. RECORDS TO BE KEPT.] The said inspector shall keep books in his office in which he shall record the number of each meter inspected by him, and the time when it was tested and proven by him, the reports of said watchman and his own reports hereby required and all notices given by him and other proceedings of his office, which records shall at all times be open to public inspection.

20. EXAMINATION OF TEST-METERS AND BURNERS.] When any meter or burner at any test-lamp is to be examined by any gas company or person furnishing gas to the city, the said inspector shall attend in person at such examination, keep a record thereof, and forthwith report to the city comptroller the result of such examination.

21. QUARTERLY REPORTS TO COUNCIL.] The said inspector shall make quarterly reports in writing to the common council showing the condition of test or gauge meters and burners, and also of the street lamp burners. He shall also report the number of private meters by him tested each quarter, and the amount of compensation by him received, and by whom paid. Such quarterly reports shall be made on the second Monday of May, August, November, and February of each and every year.

22. OFFICIAL BOND.] Said inspector, before entering upon the discharge of his duties, shall execute and file a bond in the penal sum of ten thousand dollars, conditioned for the faithful performance of each, every, and all of his duties as now prescribed by law and ordinances, or that may hereafter be enacted or ordained, with two or more good and sufficient sureties, to be approved by the mayor, comptroller and counsel to the corporation.

23. SALARIES.] The inspector of gas meters shall be allowed as compensation for all his services the sum of two thousand four hundred dollars per annum, and one watchman at each of the fire engine-houses where test-lamps of any kind are located shall be entitled to an additional sum of fifty dollars per annum, the inspector and the additional pay of the watchman to be paid quarterly on the second Monday of May, August, November, and February of each year out of the gas light fund. All fees collected by said inspector, under the provisions of section six of this chapter, shall be paid into the city treasury daily.

24. ADDITIONAL APPOINTEES — WHEN.] In case the mayor may deem it necessary to appoint more than one inspector of gas meters, as provided in section one of this chapter, such additional appointee or appointees shall be required to take the same oath, execute a similar bond and hold their offices for the same period as the first appointee, and shall be allowed such compensation as shall be fixed by order or resolution of the common council. The mayor, comptroller, and inspector of gas meters may designate the territory in which such additional inspector or inspectors may operate, if they deem it best to do so.

25. COMPTROLLER TO FURNISH APPARATUS—STATIONERY, ETC.] The city comptroller is hereby authorized and required to furnish all necessary apparatus, books, blanks, and to pay all reasonable expenses for the same out of the gas light fund appropriation.

26. PENALTIES.] If any person or persons shall unlawfully tamper with, alter or change any gas meter, public or private, or the register thereof, or the burner of any test, gauge, or public street lamp, with the intent to defraud the city of Chicago, or with the intent to defraud any gas company, corporation, person, or persons, and if any person or persons shall violate any of the provisions or requirements of this ordinance, he, she or they so offending shall be liable to a penalty of not less than ten nor more than one hundred dollars for each and every such offense, to be collected as provided by law for the collection of fines and forfeitures in other cases of violation of law.

CHAPTER 22.

INSPECTION OF STEAM BOILERS, ETC.

SECTION.

1. Inspector to be appointed, how and when—
Who competent.
2. Duty of inspector—Test prescribed.
3. Inspector to furnish certificate of test.
4. Penalty on engineer for neglect of duty.
5. How safety valves shall be loaded.
6. Owners of boilers, etc. to affix gauges, etc.
7. Boilers to be inspected annually.

SECTION.

8. Repairs made to be inspected.
9. Apparatus for inspection, etc. city property—
Inspector's report.
10. Inspector's fees.
11. Official oath and bond—Office hours.
12. Penalty.
13. Bribery how punished.
14. Owners to furnish facilities for inspection.

1. INSPECTOR TO BE APPOINTED — WHEN — WHO COMPETENT.] *Ord. July 26, 1867; act Leg. March 10, 1869.* There shall be appointed, by the common council, by ballot, biennially, on the first Monday of December, or as soon thereafter as may be, an inspector of steam boilers, said inspector to be a person well qualified from practical experience in the use and construction of boilers, generators and super-heaters and their appurtenances used for generating steam for power, steaming or heating purposes, to enable him to judge of their safety for use as such, and who is neither directly nor indirectly interested in the manufacturing, ownership or agency of steam boilers which are to be inspected.

2. DUTY OF INSPECTOR—TEST PRESCRIBED.] It shall be the duty of the said inspector, upon proper application, to inspect all boilers used for the generation of steam power or for heating or steaming purposes, by making a careful examination of and subjecting the same to a hydrostatic pressure which shall exceed the maximum working pressure in the ratio of one hundred and fifty to one hundred pounds; and in no case shall the working pressure be more than one hundred pounds per square inch for a new boiler, forty-eight inches in diameter, made of No. 1 iron plates of one-fourth of one inch in thickness, and the steam pressure of all boilers, whether thicker or thinner, larger or smaller than before mentioned in this section, shall be governed by the same standard of strength.

3. CERTIFICATE—RECORD.] When an inspection of a boiler or boilers, generator or generators, super-heater or super-heaters, has been made, and the same shall be approved by the inspector, he shall make and deliver to the owner, or his or her agent, a certificate of the same, which shall contain the date of inspection, together with a general description, for what purpose used, the number of try cocks, steam and water gauges, pumps, etc., which certificate shall be framed and put up in the office or some other conspicuous place on the premises for examination, and a record of the same shall be made by the said inspector, in a well bound book and alphabetically indexed.

4. **NEGLECT OF ENGINEER—PENALTY.]** If any engineer shall negligently or wrongfully endanger the life of any person by permitting the water to fall below three inches above the flues or crown sheet of any boiler, or otherwise neglect his duties, he shall be subject to a fine of not less than twenty-five dollars, nor more than five hundred dollars.

5. **SAFETY VALVES—HOW LOADED.]** The safety valves of steam boilers shall be loaded to sustain only the maximum pressure allowed by said inspector.

6. **DUTY OF OWNERS OF BOILERS.]** It shall be the duty of the owners, or their agents, of all steam boilers used in said city, to provide and properly affix thereto a full complement of try cocks, one water gauge, one steam gauge, and one or more safety valves of suitable dimensions, to be approved by said inspector. Also, a good and sufficient force pump or other means of supplying the boiler with water, which shall also be subject to the approval of said inspector.

7. **ANNUAL INSPECTION OF BOILERS.]** It shall be the duty of all owners or other persons using steam boilers to make, or cause to be made, an application in writing to the inspector aforesaid, to have the same inspected, as aforesaid, at least once in every twelve months.

8. **INSPECTION OF REPAIRS.]** It shall be the duty of said inspector, on the written application of the owner or agent of any boiler, generator or super-heater, stating that the same is out of repair, or has been repaired, to examine the same when so repaired, and determine if the same has been properly done, and it shall be unlawful for any person to use any boiler, after the same has been repaired, until he shall have first procured a certificate from the inspector that it has been properly done and may be safely used.

9. **CITY TO PROVIDE APPARATUS—INSPECTOR'S REPORTS.]** The city of Chicago shall provide such instruments, books, papers and things as shall be necessary for the proper performance of the duties of such inspector, which shall be the property of said city, and which shall be delivered by said inspector to his successor in office, or to the board of public works, whenever he shall cease, for any cause, to discharge the duties of said office; said inspector shall also, without expense or charge, inspect all boilers owned or used by the city, or any of its departments, whenever called upon by the proper officer. He shall also report to the common council every three months, or as often as once a month if required by said council, all inspection of boilers by him made.

10. **INSPECTOR'S FEES.]** Said inspector may charge a fee of five dollars for inspecting each boiler, which shall be paid by the party requiring such service: *Provided*, that in any establishment where more than one boiler is used, said inspector shall only be entitled to said fee of five dollars upon one boiler, and to a fee of three dollars upon each and every additional boiler.

11. **OFFICIAL OATH—BOND—OFFICE.]** Every person appointed inspector shall, before entering on the discharge of his duties, take an oath or affirmation to well and faithfully discharge the duties of said office, and file the same in the office of the city clerk, and shall also enter into bond to the city in the penal sum of five thousand dollars, with two or more sureties, to

be approved by the mayor, conditioned for the faithful discharge of his duties, which bond shall be for the use of all parties aggrieved by the acts of such inspector. Said inspector shall keep an office at some suitable and convenient place, and shall, during the business hours of each day, keep some competent person there to receive orders.

12. PENALTY.] Every person who shall violate any of the provisions of this ordinance shall be subject to a penalty of not less than ten dollars, nor to exceed one hundred dollars.

13. BRIBERY—PENALTY.] If the inspector shall take or receive any money or other valuable thing from any person, other than the fees allowed by this ordinance, for the purpose of deceiving or defrauding any person or persons, or for the purpose of favoring any person or persons, he shall be fined in the penal sum of one hundred dollars and shall be removed from his position by the common council, and shall ever after be incompetent to hold the same.

14. FACILITIES FOR INSPECTION—WHOSE EXPENSE.] All owners or agents of boilers and machinery subject to inspection as aforesaid, shall provide at their own expense such arrangements and facilities for attaching the instruments for inspection as the inspector shall direct.

CHAPTER 23.

INTELLIGENCE OFFICES.

SECTION.

1. Keepers to be licensed—Penalty.
2. License—Who may receive — Its revocation and expiration—Bond.

SECTION.

3. Penalty for violation of chapter, and fraud.

1. KEEPERS TO BE LICENSED.] *Rev. Ord. 1866.* No person shall establish or keep any intelligence office within the city of Chicago, for the purpose of obtaining places or employment for male or female family domestics, servants or other laborers, or for procuring or giving information concerning such places for or to such domestics, servants or laborers, or for procuring or giving information concerning such domestics, servants or laborers for or to employers, without a license, as hereinafter provided, under a penalty of not less than ten dollars nor more than one hundred dollars for every day such office shall be so kept, to be recovered before any magistrate or court having jurisdiction.

2. WHO MAY BE LICENSED—EXPIRATION—REVOCATION—BOND.] The mayor of said city is hereby authorized to license any person or persons, being a resident or residents of said city, over twenty-one years of age, to keep an intelligence office as aforesaid, upon such persons giving bonds to the city, to

be approved by the mayor, in the penal sum of one hundred dollars, conditioned for the faithful observance of all ordinances of the city, and upon payment of a sum at the rate of twenty-five dollars for the use of the city, and no other fees: *Provided*, all licenses so issued shall expire on the first day of July of each year, and may be revoked, in the discretion of the mayor.

3. VIOLATION OF ORDINANCE—FRAUD—PENALTY.] Any person keeping an intelligence office as aforesaid, with or without license, who shall violate any of the provisions of this chapter, or directly or indirectly, or through any agent or other person or persons, make use of any improper device, deceit, false representation, false pretense or any imposition whatsoever, for any improper purpose, or for the purpose of obtaining a fee, money, gratuity or other thing of value from any customer, person or persons, or patron or patrons, shall, on conviction, be fined in a sum not less than five dollars nor more than one hundred dollars.

CHAPTER 24.

JUNK DEALERS AND DEALERS IN SECOND-HAND GOODS.

SECTION.

1. Junk dealers and dealers in second-hand goods defined.
2. They must be licensed—Penalty.
3. Who may receive license—Bond.
4. When license to expire.

SECTION.

5. Record of purchases to be kept—Dealers using boats to have a sign—Penalty.
6. Right of police officers, etc., to examine record.
7. Exemption of pawnbrokers.
8. Purchases from minors prohibited.

1. JUNK DEALERS DEFINED—DEALER, ETC., DEFINED.] *Rev. Ord. 1866.* Any person who keeps a store, boat, office or place of business for the purchase or sale of old metal, rags, old rope, old canvas, iron and the like, is hereby defined to be a junk dealer, and any person who keeps a store, office or place of business for the purchase or sale of second-hand clothing or garments of any kind, or second-hand goods, wares or merchandise, is hereby defined to be a dealer in second-hand goods.

2. MUST BE LICENSED—PENALTY.] No person or persons shall carry on or conduct the business or calling, either of a junk dealer or dealer in second-hand goods, within the city of Chicago, without having first obtained a license so to do, in accordance with the provisions of this chapter, under a penalty of twenty-five dollars for each and every offense.

3. LICENSE—WHO MAY RECEIVE—BOND.] The mayor is hereby authorized to grant a license to junk dealers or dealers in second-hand goods, on the following conditions: *First*, The person so applying for such license shall, to the satisfaction of the mayor, be a person of good character and shall pay to the collector the sum of twenty-seven dollars, and no other fees.

Second, The person so applying shall execute a bond to the city of Chicago in the sum of three hundred dollars, conditioned that the said applicant will in every particular conform to the requirements of this chapter, and with the requirements or provisions of any ordinance hereafter to be passed concerning junk dealers or dealers in second-hand goods, as the case may be, and thereupon the clerk shall issue a license under the corporate seal, signed by the mayor and countersigned by the clerk.

4. LICENSES—WHEN TO EXPIRE.] All licenses issued under this chapter shall expire on the first day of August next after the issuing of the same.

5. RECORD OF PURCHASES—HOW KEPT—SIGN ON BOAT—PENALTY.] Every person licensed as aforesaid shall keep at his or her place of business a substantial and well bound book, in which he or she shall enter a minute description of all personal property purchased by him or her, the date of purchase, the name and residence, or place of business, of the person or persons from whom such purchase was made, and particularly mentioning any prominent or descriptive marks that may be on such property, which said book shall be kept clean and legible, and all the entries therein shall be made with ink, and no entry therein shall be erased, obliterated or defaced; and every person so licensed, carrying on his business upon a boat, shall have his name, and the number of his license, plainly painted in letters and figures at least one and a half inches in size, in a conspicuous place, on the outside of each side of such boat; and every person so licensed failing to comply with any of the provisions of this section shall, upon conviction, be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

6. INSPECTION OF BOOK AND GOODS—PENALTY.] Every person so licensed as aforesaid, shall, during the ordinary hours of business, when requested by the mayor, general superintendent of police, or any police officer of the city, submit and exhibit said book, in the fifth section provided for, to the inspection of any of the above named officers, and shall also exhibit such goods or personal property to any of the aforesaid officers; and every such licensed person refusing to submit said book, goods or property as aforesaid, upon the request of any of the aforesaid officers, shall, upon conviction, be fined in a sum not less than twenty-five dollars for each and every offense, and shall be subject, in the discretion of the mayor, to have his or her license revoked.

7. EXEMPTION OF PAWNBROKERS.] Nothing contained in this chapter shall affect the sale of second-hand goods by any person or persons now or hereafter licensed as pawnbrokers, and who shall in the course of their business, as pawnbrokers, sell any goods, wares or merchandise which have been pledged to them and remain unredeemed.

8. PURCHASES FROM MINORS PROHIBITED.] *Ord. May 30, 1872.* All junk dealers and dealers in second-hand goods are hereby prohibited from purchasing from or dealing with any minor or minors under the age of eighteen years, except in the purchase of old rags and waste paper, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

CHAPTER 25.

LAMPS.

SECTION.

1. Post office boxes may be affixed to lamp posts
—Penalty for injuring.

SECTION.

2. Penalty for injuring lamp post or tampering
with gas.

1. POST OFFICE BOXES ON—PENALTY FOR INJURING.] *Rev. Ord. 1866.*
The post office department hereby have permission, under the direction of the board of public works, to attach and fasten post office boxes to the public lamp posts in said city; and any person or persons who shall deface or in any way injure such post office boxes, shall, for such offense, be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

2. INJURING OR TAMPERING WITH—PENALTY.] Any person who shall carelessly or maliciously break, deface or in any way injure or destroy any public lamp or lamp post in this city, or climb upon, or hitch any horse or other animal to any public lamp post, or hang or place any goods or merchandise thereon, or place any goods, boxes, wood or any other heavy material upon or against the same, or who shall extinguish, or cause to be extinguished, or light or cause to be lighted, any of said lamps, unless duly authorized so to do by the board of public works, shall forfeit the penalty of ten dollars for each offense.

CHAPTER 26.

LICENSES.

SECTION.

1. Licenses issued subject to ordinances—Penalty
for violation of provisions of.
2. Not transferable—Except when.
3. Limitation of—Mode of issuing.
4. Collector to receive license fees and penalties
—Payment to precede issue of license.

SECTION.

5. Delinquents to be reported and their licenses
revoked.
6. Surrender and transfer of license—New bond—
New license.

1. ISSUED SUBJECT TO ORDINANCE—PENALTY.] *Rev. Ord. 1866.*
All licenses which may be issued under any ordinance of the common coun-

cil, shall be subject to the ordinances and regulations which may be in force at the time of issuing thereof, or which may subsequently be made by the common council; and if any person so licensed shall violate any of the provisions thereof, he shall be liable to be proceeded against for any fine or penalty imposed thereby, and his license shall be subject to be revoked in the discretion of the mayor or of the court or magistrate before whom he shall be convicted of such violation.

2. NOT TRANSFERABLE—EXCEPT WHEN.] No license granted under any ordinance shall be assignable or transferable, without permission of the mayor, or common council, nor shall any such license authorize any person to do business or act under it but the person named therein, unless such ordinance shall otherwise provide, or as herein is otherwise provided.

3. TERM OF—HOW ISSUED.] No license shall be granted at any one time for a longer period than one year, and all licenses shall be signed by the mayor and countersigned by the clerk, under the corporate seal; and in all cases where it is not otherwise expressly provided, the mayor shall have power to hear and grant applications therefor, upon the terms specified by the ordinances of the city; and all licenses shall be issued to such person or persons as shall comply in all respects with the different provisions of the ordinances of the city, and as the mayor, in his discretion, shall deem suitable and proper persons to exercise the occupation for which he, she, or they apply to be licensed, and to no others.

4. COLLECTOR TO RECEIPT FOR FEES AND PENALTIES—LICENSE TO ISSUE AFTER PAYMENT.] The collector shall receipt for all moneys for any licenses that may be applied for or granted under the authority of said city upon any account whatever. He shall also receipt for all auction dues, and all penalties incurred by the keeping of ball alleys and billiard tables within said city; also receipt for all moneys paid in from the licenses of theaters, shows, museums and other entertainments of like character. His receipt for the same shall be a discharge to the person to whom given, to the extent and purport thereof, but no person shall be deemed to be licensed in any case until the issuing of the license in due form as required by the ordinances of the city.

5. DELINQUENTS TO BE REPORTED AND LICENSE REVOKED.] Whenever it shall appear from the license register kept by the clerk, or the books of the collector, that any person holding any license, or permit of any kind, or privilege granted by the city, has failed to pay the amount due thereon, whether for a penalty for billiard tables (reckoning five dollars for every table per month) or other kind of penalty, license, fine, debt or liability whatever, the clerk or collector (as the case may be) shall report the fact to the mayor, whose duty it shall be to promptly revoke said license, permit or privilege.

6. ASSIGNMENT—SURRENDER—NEW BOND—NEW LICENSE.] Amends. April 18, 1870; November 14, 1870. Any person or persons to whom any license may have been issued under any ordinance of the common council may, with the permission of the mayor, assign and transfer the same to any other person or persons, and the person or persons to whom such license issued, or the assignee or assignees of such license, may (with the permission of the mayor) surrender such license, and have a new license issued for the unexpired term of the old license, authorizing the person

or persons so surrendering such license to carry on the same business or occupation at such place as may be named in such new license : *Provided*, that in all cases the party applying for such new license, shall give a bond, with securities, which shall conform, as near as may be, to the bond upon which such surrendered license was issued.

CHAPTER 27.

MARKETS.

SECTION.

1. License for vendors of meat—Exceptions—Penalty.
2. Penalty for exposing unwholesome meat,
3. Fat, etc., not to be exposed in market—Penalty.
4. Meat to be weighed before sale—Penalty for fraud.

SECTION.

5. Mayor to issue licenses.
6. When license shall expire.
7. Cleanliness of markets—Inspection of—Penalty.
8. Penalty for placing filth in streets, etc.
9. Disposition of offal, etc., prescribed.
10. Markets to be closed on Sunday.

1. LICENSE TO SELL FRESH MEATS — EXCEPTIONS — PENALTY—PROVISO.] *Rev. Ord. 1866.* No person shall, by himself, agent or servant, sell, or cut in pieces for the purpose of selling, any fresh meat, excepting fresh venison, poultry, fish or wild game in any quantity in the city of Chicago, without having first obtained a license as hereinafter provided, under a penalty of ten dollars for each offense : *Provided*, that nothing herein shall prohibit any person from selling beef or other fresh meat by the quarter, or any greater quantity, at any time or place in the said city, the same being the produce of their own farm or raising.

2. UNWHOLESOME MEATS—EXPOSURE FOR SALE—PENALTY.] *Rev. Ord. 1866 ; amended to conform to Reg. of B. of Health, May 26, 1868, under act Leg.* If any person shall expose for sale in any market house or elsewhere in said city, any emaciated, tainted or putrid meat or provisions, which from these or other causes may be deemed unwholesome, such person shall, on conviction, be fined not less than five nor more than five hundred dollars for each and every offense; and it shall be the duty of the sanitary superintendent or health officer to forthwith seize and confiscate all such meat or provisions.

3. FAT, SHANKS, ETC.—WHEN NOT TO BE IN MARKET—PENALTY.] *Rev. Ord. 1866.* No person shall, between the first day of May and the first day of November, in any year, bring into, or place, or suffer or permit to be brought into, or placed in any market or licensed stall, any untried fat, commonly called "gut fat," nor, at any time or season, the heads, shanks, or feet of any animal, unless the same be skinned or properly cleaned, nor any hides or skins of any kind, except the hides of calves (these shall be removed

from the market as soon as taken from the veal), under the penalty of five dollars for each offense.

4. WEIGHT BEFORE SALE—FRAUD IN WEIGHT—PENALTY.] *Rev. Ord. 1866.* All meats sold at the markets or licensed stalls, excepting shanks, offal, heads and plucks, poultry or wild game, shall be previously weighed in a scale, by weights or a beam, properly sealed; and in case any fraud shall be committed in the weight of any meat, and in case any meat, excepting as aforesaid, shall be sold without being weighed as herein directed, the person selling the same shall forfeit the sum of five dollars for each offense.

5. MAYOR TO ISSUE LICENSES.] The mayor of the city of Chicago, shall, from time to time, issue licenses under his hand and the seal of said city, to exercise and carry on the business of butchers, in such places, other than the market, as may be designated in such licenses, but not elsewhere.

6. LICENSES—WHEN TO EXPIRE.] *Ord. July 14, 1871.* All licenses so issued shall expire and cease on the first day of May after the granting thereof, unless sooner revoked, and shall be renewable by the mayor on application. For license issued, as aforesaid, on or after the first day of May, and prior to the first day of November, the sum of ten dollars shall be paid on the granting of the same, and for all licenses issued on and after the first day of November and prior to the first day of May, the sum of five dollars shall be paid on the granting of the same; and on the renewal of every license the sum of ten dollars shall be paid.

7. CLEANLINESS—INSPECTION—PENALTY.] *Rev. Ord. 1866; amend. act Leg. Feb. 16, 1867.* Every butcher or other person shall keep his cellar and stall neat and free from filth of all kinds; and members of the board of health, the health officer, or the sanitary superintendent shall at all times have free access thereto, under the penalty of five dollars, to be paid by the butcher or other person who shall refuse or prevent such access.

8. FILTH IN STREETS, ETC.—PENALTY.] No butcher or other person shall sweep or deposit any dirt or filth of any description in or upon the public passage way or ways in such market or cellars, or in or upon the market grounds or streets adjacent to said market. Any person violating the provisions hereof shall, upon conviction, be subject to a fine of not less than fifty dollars.

9. OFFAL, BRINE, ETC.—DISPOSITION OF—PENALTY.] Any person who shall kill or dress any animal in or near any market, or who shall throw or permit any brine, bones, filth, slops, offal, water, or other liquid, or other substances to be thrown out of the doors or windows, or around or near any market house or any licensed stall, except in places which may be provided for the purpose, shall be subject to a fine of not less than five dollars nor exceeding twenty dollars.

10. TO BE CLOSED ON SUNDAY—PENALTY.] All stalls or places in this city, licensed under any ordinance of this city, shall be closed before twelve o'clock on Saturday night of each week, and so be kept and continued closed until Monday morning following. Any person who shall open any such market, or stall, or place in said city upon Sunday, and within the hours above named, or shall sell, offer or attempt to sell in said city, any meat, fish, vegetables or other article or thing kept in such market, place or

stall, upon Sunday (except by written permission of the mayor) within said hours, shall, on conviction, pay a fine of not less than ten dollars, nor more than fifty dollars.

11. "BUTCHER" DEFINED.] The word butcher, in the sense used in this chapter, is hereby defined to mean a vendor of meats.

CHAPTER 28.

MISDEMEANORS.

SECTION.

1. Definition of vagrancy—Penalty for.
2. Indecent exposure of stud animals—Penalty for.
3. Sale of liquor and games of chance on Sunday—Penalty.
4. Sale of liquors, etc., to minors—Penalty.
5. Maintaining disorderly house or brothel—Penalty.
6. Indecent exposure—Lewd performances and books—Penalty.
7. Cruelty to animals—Penalty.
8. Intoxication and begging in public—Penalty.
9. Billiard tables, ball alleys, etc.—Penalty for keeping.
10. License for billiard tables, etc., how granted—Penalty for gaming.
11. Penalty for permitting use of gaming devices.
12. Penalty for keeping gaming house.
13. Power of police to seize gaming devices—Penalties.
14. Gamblers and their agents—Penalty.
15. Firearms and fireworks not to be discharged—Permission may be given—Penalty.
16. Penalty for fast driving—Who may arrest.

SECTION.

17. Sale of poison regulated—Penalty.
18. Scaffolds how to be constructed—Penalty.
19. Penalty for kite flying.
20. Cutting of ice regulated.
21. Penalty for leaving team unhitched.
22. Dray wheels to be secured, when—Penalty.
23. Dangerous sports prohibited—Penalty.
24. Law of the road—Penalty for violation of.
25. Penalty for defective sidewalks, open cellars, etc.
26. Penalty for selling impure milk.
27. Penalty for disorderly conduct.
28. Penalty for disturbing public worship.
29. Penalty for street noises and false alarms.
30. Penalty for killing birds, etc.
31. Penalty for getting on or off cars in motion.
32. Bill posting, where prohibited—Penalty.
33. Penalty for throwing stones.
34. Penalty for throwing stones.
35. Bathing prohibited, where—Penalty.
36. Sale and distribution of indecent books, etc—Penalty.
37. Penalties where not otherwise prescribed.

1. VAGRANCY DEFINED—PENALTY.] *Rev. Ord. 1866.* All persons who, not having visible means to maintain themselves, are without employment idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the street or other thoroughfares or public places to beg or receive alms; also, keepers of, exhibitors or visitors at any gaming table, gambling house, house for fortune telling, places for cock fighting, or other places of device, and all persons who go about for the purpose of gambling or watch stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretences, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or place where religious worship is held, shall be deemed vagrants, and, upon conviction, shall be fined in a sum not less than two dollars, nor exceeding one hundred dollars, or imprisoned in the house of correction for a term not exceeding three months, or both.

2. STUD ANIMALS—INDECENT EXPOSURE OF—PENALTY.] No perso

or persons shall indecently exhibit any stud horse or bull or let any such horse to any mare or mares, or any bull to any cow or cows, within the limits of this city, unless in some inclosed place out of public view, under a penalty of not less than five dollars nor more than one hundred dollars for each and every such offense.

3. SABBATH DAY—SALE OF LIQUOR—GAME OF CHANCE—PENALTY. If any person shall keep open any tippling house on the sabbath day or night or shall keep open any bar or place where intoxicating drinks are or may be kept, or shall sell, or retail any intoxicating drinks on the Sabbath day or night, or shall keep a common, ill-governed or disorderly house, or suffer any person to play at cards or other game of chance on his premises, with or without betting, every such person, on conviction, shall be fined in a sum not less than ten dollars, nor exceeding one hundred dollars.

4. SALE OF LIQUORS, ETC., TO MINORS—PENALTY] *Ord. Feb. 21, 1870* All saloons, groceries, rooms, or places where minors are permitted to drink intoxicating drinks of any kind, or game or play with dice, dominoes, cards, balls or other articles used in gaming, unless the parent or guardian of such minor shall be present at the time of such drinking, gaming or playing, and not object thereto, are hereby declared disorderly houses. Every proprietor or keeper of such saloon, grocery, or place where such drinking, gaming or playing shall take place as aforesaid, shall for the first offense of keeping disorderly house, as aforesaid, be subjected to a fine of not exceeding fifty dollars, and for the second offense shall pay a fine of not exceeding one hundred dollars and his license shall forthwith be revoked and he shall be prohibited from afterward obtaining any license for such purpose in this city.

5. DISORDERLY HOUSE—BROTHEL—PENALTY.] *Rev. Ord. 1866.* Any person who shall be guilty of keeping or maintaining, or be an inmate of, or in any way connected with, or in any way contribute to the support of any disorderly house, or house of ill fame, or place for the practice of fornication or knowingly own or be interested as proprietor or landlord of any such house, shall, on conviction, be fined in a sum not exceeding one hundred dollars, and in the further sum of one hundred dollars for every twenty-four hours the said house shall be continued after the first conviction, or after any such person shall be ordered by any member of the police force to suppress, restrain or discontinue the same.

6. INDECENT EXPOSURE—LEWD PERFORMANCES AND BOOKS—PENALTY. If any person shall appear in a public place in a state of nudity, or in dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall exhibit, sell, or offer to sell, any indecent or lewd book, picture, or other thing, or shall exhibit or perform any indecent immoral or lewd play or other representation, he shall be subject to a fine of not less than twenty dollars, nor exceeding one hundred dollars.

7. CRUELTY TO ANIMALS—PENALTY.] If any person shall inhumanely unnecessarily, or cruelly beat, injure, or otherwise abuse any dumb animal, or overload any team, or expose any calves or sheep, upon the streets or sidewalks with their legs tied, he shall be subject to a fine of not less than five dollars nor exceeding twenty dollars, in any case.

8. INTOXICATION IN PUBLIC—BEGGING—PENALTY.] If any person shall be drunk or shall be in a state of intoxication in any highway, street, thoroughfare or public place within the city, or in any private house or place, to the annoyance of any citizen or person; or shall solicit alms from any person, without written permission from the mayor, he shall be deemed guilty of a misdemeanor, and on conviction, pay a fine not exceeding one hundred dollars.

9. BILLIARD TABLES—BALL ALLEY, ETC.—PENALTY.] *Ord. Nov. 14, 1870.* No person shall have or keep for his or her gain, within said city, any billiard table, pin alley, nine or ten pin alley, ball alley or shooting gallery (except as provided in the following section), under a penalty of five dollars for each and every month that each and every billiard table, pin alley, nine or ten pin alley, ball alley or shooting gallery, shall be so kept and used by him, her or them, and the owner or owners of any building in which any such table, alley or shooting gallery shall be so kept shall be liable to the like penalties above prescribed.

10. BILLIARDS AND ALLEY LICENSE—FEE—GAMING—PENALTY.] The mayor of said city is hereby authorized to issue a license to any person or persons desiring to keep and use a billiard table or tables, alley or alleys, gallery or galleries mentioned in section nine, upon such person or persons paying to the city collector the sum of twenty-five dollars for each table, alley or gallery aforesaid, which licenses shall expire on the first day of July of each year; and all such licenses shall be issued in the manner and be in accordance with the conditions, provisions and restrictions named and provided in chapter twenty-six of these revised ordinances, entitled "Licenses," so far as the conditions, provisions and restrictions of said chapter may be applicable thereto (and not in conflict with the provisions hereof); and all licenses granted under the provisions of this section may be revoked at any time by the mayor, for any cause which he may deem good and sufficient. All persons shall make application for license under the provisions of this section before the first day of July in each year, and whenever it shall be made to appear that any person holding a license under the provisions of this section has allowed any playing upon said table or alley, or shooting in such gallery, for money, liquor or any other article or thing, it shall be the duty of the mayor to revoke such license.

11. GAMING DEVICES—PENALTY.] *Rev. Ord. 1866.* No person shall have, keep or permit to be used in any building or place within this city, used, occupied or controlled by such person, any E. O. table, keno table, faro bank, shuffle board, bagatelle, playing cards or any other instrument, device or thing used for gambling whereon or with which money, liquor or other articles shall in any manner be played for, under a fine not exceeding fifty dollars.

12. KEEPING GAMING HOUSE—PENALTY.] If any person or persons shall keep a disorderly or gaming house, such person or persons shall, for each and every offense, forfeit and pay a penalty of twenty-five dollars, and also the further penalty of twenty-five dollars for every forty-eight hours during which such person or persons shall continue to keep the same after the first conviction for any violation of this section.

13. GAMING DEVICES—POWER OF POLICE—RESISTANCE—PENALTIES.] Any member of the police-force of this city may seize any instrument, device or thing used for the purpose of gaming, or by or with which money or other

articles of value may be lost or won, and all such instruments, devices or things may be demolished or destroyed. Any person obstructing or resisting any member of the police force in the performance of any act authorized by this section, shall be fined in a sum not exceeding one hundred dollars. If the owner or keeper of, or any person within, any gambling house or room, any disorderly house or any house of ill-fame within this city, shall refuse to permit any member of the police force to enter the same, it shall be lawful for such member or members of the police force to enter, or cause the same to be entered, by force, by breaking the doors or otherwise, and to arrest, with or without warrant, all suspicious persons found therein.

14. GAMBLERS—PENALTY.] Any person who is a frequenter, visitor, inmate, doorkeeper, solicitor, runner, agent, abettor or pimp, of or for any house, store, grocery, hall, room, or any other place where are kept any E. O. tables, keno table, faro bank, shuffle board, bagatelle, playing cards, pigeon-holes, or any other instrument, device or thing used for gambling, whereon or with which money, liquor or other articles shall be played for, shall, upon conviction, be fined in a sum not less than five dollars and not exceeding one hundred dollars, or imprisonment in the house of correction for a term not more than ninety days, or both, in the discretion of the court before whom such conviction shall be had. It shall be the duty of the mayor forthwith to revoke any license given to any person or persons who shall violate any provision of the third, eleventh, twelfth and fourteenth sections of this chapter.

15. FIRE ARMS AND FIRE-WORKS NOT TO BE DISCHARGED—PERMISSION—PENALTY.] No person shall fire or discharge any cannon, gun, fowling piece, pistol or fire arms of any description, or fire, explode, or set off any squib, crackers or other thing containing powder, or other combustible or explosive material, without permission from the common council, or written permission from the mayor, which permission shall limit the time of such firing, and shall be subject to be revoked by the mayor or common council at any time after it has been granted. Any violation hereof shall subject the party to a fine of not less than two dollars nor exceeding ten dollars.

16. FAST DRIVING—PENALTY—WHO MAY ARREST.] No person shall immoderately ride or drive any horse in any avenue, street, alley or lane within the limits of this city, under a penalty of not less than two dollars nor more than ten dollars. And it is hereby made the duty of every officer, and it shall be lawful for any citizen, to stop any person who may be immoderately riding or driving, as aforesaid.

17. POISON—SALE OF—PENALTY.] No person shall vend, give or deliver, within this city, any deadly poison, knowing the same to be such, without marking the same in legible characters, "poison," under a penalty of five dollars for each offense.

18. SCAFFOLD—HOW CONSTRUCTED—PENALTY.] All scaffolds erected in this city, for use in the erection of stone, brick or other buildings, shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of persons working thereon, or passing under or by the same, against the falling thereof or of such materials as may be used, placed or deposited thereon; any scaffold which may be otherwise erected shall be deemed a nuisance; and any person who shall erect or use, or cause

to be erected or used, any scaffold contrary to the provisions hereof, shall be subject to a fine of not less than five dollars, and not exceeding one hundred dollars, and to like fine for every day the same shall remain after notice to remove.

19. KITE FLYING—PENALTY.] No person shall raise or fly a kite in any part of any street, avenue or lane of this city devoted to business, or in which there shall be much traveling, under a penalty of one dollar for every offense.

20. CUTTING OF ICE IN RIVER—FENCE REQUIRED.] No person shall cut any ice, or any holes therein, in the Chicago river and its branches, within this city, without a written permission from the mayor, and without first inclosing that portion of the ice intended to be cut with a good and sufficient fence: *Provided*, that in no case shall permission be given to cut any ice at the end of any street which extends to the river or its branches, or between the lines of any street which cross the same. Any person violating the provisions of this section shall forfeit a penalty of twenty-five dollars, and a further penalty of twenty-five dollars for every day any hole so cut in ice shall remain uninclosed.

21. TEAMS UNHITCHED—PENALTY.] *Rev. Ord. 1866; amend. June 8, 1871.* No person shall leave any horse, horses or other animal attached to any carriage, wagon, cart, sleigh, sled or other vehicle, in any part of the streets, avenues, alleys or lanes of this city, without securely fastening such horse, horses or other animal, under a penalty for each offense of not less than two dollars nor more than ten dollars.

22. DRAYS, ETC.—WHEEL TO BE SECURED, WHEN—PENALTY.] *Rev. Ord. 1866.* Every truckman, drayman or cartman shall have a strong chain attached to the body of his truck, dray or cart, which shall be made fast to one of the wheels whenever the horse in such dray, truck or cart shall be left standing alone in any of the streets, avenues, alleys or lanes of this city, under a penalty of two dollars for each neglect so to do.

23. DANGEROUS SPORTS—PENALTY.] Any person who shall use any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be subject to a fine not exceeding fifty dollars.

24. LAW OF THE ROAD—PENALTY.] In all cases of persons meeting each other in vehicles in any highway or thoroughfare, or upon or near any bridge, each person so meeting shall in all cases turn off and go to the right side. Whoever shall violate this section shall be subject to a fine of not less than two dollars nor exceeding fifty dollars; he shall likewise be subject to the payment of all damages which may arise from collision, unless he shall be able to prove that the collision was wholly owing to the fault or misconduct of the other party.

25. DEFECTIVE SIDEWALK—OPEN CELLAR DOOR, ETC.—PENALTY.] Any person who shall keep or leave open any cellar door, or grating of any vault on any highway, or sidewalk, or suffer the same to be left or kept open, or who shall suffer any sidewalk in front of his premises to become, or continue, so broken as to endanger life or limb, shall be subject to a fine of not exceeding fifty dollars in every case.

26. IMPURE MILK—PENALTY.] No person shall sell, offer to sell or

dispose of, any impure, unwholesome, adulterated or diluted milk in said city under a penalty of not less than twenty-five dollars nor more than one hundred dollars for each offense.

27. DISORDERLY CONDUCT—PENALTY.] Any person who shall make aid, countenance, or assist in making any improper noise, riot, disturbance breach of the peace, or diversion, or shall use threatening or abusive language toward any other person, tending to a breach of the peace, in the streets or elsewhere in the city, and all persons who shall collect in bodies or crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than one dollar, nor exceeding one hundred dollars.

28. DISTURBING WORSHIP—PENALTY.] Any person who shall disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be subject to a fine of not exceeding fifty dollars.

29. FALSE ALARM—STREET NOISES—PENALTY.] Any person who shall willfully give or make a false alarm of fire or watch, or who shall employ any bellman, or use or cause to be used any bell, horn, or bugle, or other sounding instrument, or who shall employ any device, noise or performance tending in either case to the collection of persons in the streets, sidewalks or other public places, to the obstruction of the same, for any purpose whatsoever, without permission of the mayor in writing, shall be subject to a fine not exceeding twenty-five dollars.

30. BIRD KILLING—PENALTY.] Every person who shall kill or wound or attempt to kill or wound, by the use of fire-arms, bow and arrow, pelting with stones, or otherwise, any bird within the city limits, or shoot an arrow or throw a stone or club, or other missile, at any bird within any private grounds, or public parks, squares or grounds (such bird not being the property of the person so offending), or enter upon any private inclosure or public ground belonging to the city, for the purpose of doing any act prohibited in this section, shall forfeit and pay not less than five dollars nor more than ten dollars for each offense. Every person who shall be convicted for a second time of any offense in this section mentioned, who is under the age of sixteen years, may, in the discretion of the court, be sentenced to the reform school.

31. CARS IN MOTION—LEAVING OR ENTERING—PENALTY.] *Ord. May 27, 1872.* No person shall get upon or off, or attempt to get upon or off, any locomotive, engine, tender, car or train of cars (or any platform or step thereof) while the same, or either of them, are in motion, without first having obtained from the person or persons in charge thereof express permission so to do. Any violation hereof shall be punished by a fine of not less than two dollars nor more than fifty dollars for each offense.

32. BILL POSTING, WHERE PROHIBITED—PENALTY.] *Ord. May 30, 1872.* No person or persons shall, within the limits of the city of Chicago, post or paint an advertisement upon any private wall, door, gate or fence (without consent in writing first obtained of the owner of such wall, door, gate or fence), or upon any curb-stone, flagging, gutter-stone, sidewalks,

gateways, telegraph poles, fire plugs, wooden or iron railing, or fence of any public grounds or buildings, of the announcements for sale or barter of any description of drugs, merchandise or medicine, or of the nature of treatment of any disease, of any public amusement, or lottery, or notices of a general public character, without the previous written permission of the mayor. Any person violating any of the provisions of this section shall be liable to a penalty of twenty dollars for each and every offense, to be collected as other penalties for violation of city ordinances.

33. THROWING STONES IN THOROUGHFARES—PENALTY.] No person shall throw or cast any stone or any other missile upon or at any building, tree or other public or private property, or upon or at any person in any street, avenue, alley, lane, public place, or inclosed or uninclosed ground in this city, or aid or abet in the same, under a fine for each offense of not less than five dollars nor more than twenty-five dollars.

34. THROWING STONES IN THOROUGHFARES—PENALTY.] No person shall throw or cast any stones or other missiles in, from or into any street, avenue, alley or lane, public place or uninclosed grounds in this city, under a penalty of five dollars for each and every offense.

35. BATHING PROHIBITED—WHERE.] *Rev. Ord. 1866, Chap. 25, § 2.* No person shall swim or bathe in the river or its branches, or in the lake within one mile of the shore thereof, except as herein provided for, and except as follows, to-wit: At any place in the south division of the city of Chicago, between the south pier and the north line of Randolph street, and at any place south of the south line of Twenty-fifth street produced; also at any place in the north division, from a point two hundred feet north of the north pier and south of Indiana street, and at any place north of the south line of the Catholic cemetery. Any violation hereof shall subject the offender to a fine of not less than two dollars and not exceeding twenty dollars.

36. SALE AND EXPOSURE OF INDECENT BOOKS, ETC.—PENALTY.] *Ord. Apr. 29, 1872.* No person or persons shall expose, circulate, offer for sale, sell, or distribute within the limits of the city any obscene, scandalous or libellous newspaper, book, print, pamphlet, circular, or periodical, caricature, picture, drawing, statue, or other object whatever of any immoral or scandalous nature, or calculated to excite scandal, immorality, or disturbance of the peace, or public tranquility, under a penalty of ten dollars for each and every offense, to be collected as other penalties for violation of city ordinances are collected.

37. ADDITIONAL PENALTIES IN CERTAIN CASES.] In all cases arising under this chapter, punishable as misdemeanors by the laws of this state, the court or magistrate before whom conviction may be had shall have power, in addition to the penalty or fine, to cause the offenders to be imprisoned for a period not exceeding three months, in his or their discretion.

CHAPTER 29.

NUISANCES.

SECTION.

1. Regulation of cattle and swine in city—Penalty for violation.
2. Regulation of distilleries, etc. — Licenses — Penalty.
3. How license to be obtained—Bond.
4. Disposition of offal, etc.—Penalty.
5. Penalty for discharging offal, etc., from premises.
6. Penalty for keeping offal, etc., on premises.
7. When rendering houses are a nuisance—Penalty.

SECTION.

8. Penalty for having offensive premises.
9. Penalty for keeping offensive grounds.
10. Regulation of privies, vaults, etc.
11. Regulation of cellars, drains, etc.
12. Penalty for hogs, etc., at large.
13. Posting bills prohibited where—Penalty.
14. Detail of police—Powers of, and reports.
15. Board of public works to abate nuisances.
16. How to proceed to abate.
17. Informer to receive moiety of fine.
18. Penalty for obstructing river.

1. CATTLE AND SWINE KEPT IN CITY—LIMIT TO NUMBER—OFFENSE—PENALTY.] *Rev. Ord. 1866; act Leg. March 9, 1867.* Any person or persons who shall own, keep or use any yard, pen, place or premises within the city of Chicago, in or upon which more than ten cattle or swine shall be confined or kept at any one time, and any person or persons who shall own, keep or use any yard, pen, place or premises, in or upon which a less number of cattle or swine than ten shall be so kept as to be offensive to those residing in the vicinity, or an annoyance to the public, shall be deemed the author of a nuisance, and, on conviction, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars in every case, and to a like fine for every day he or they shall neglect or refuse to abate such nuisance, when notified by the mayor or board of health to abate the same.

2. DISTILLERY, SLAUGHTER AND RENDERING HOUSES—PROHIBITED WHERE—PERMIT—PENALTY.] Any person or persons who shall carry on, occupy or use any distillery, slaughtering establishment or establishments for steaming or rendering lard, tallow, offal, dead animals, or other substances of like nature, within the limits of the city of Chicago, or within the distance of four miles therefrom, without permission of the common council, to be granted in the manner hereinafter provided, shall be deemed the author of a nuisance, and, on conviction, shall be subject to a fine of not less than fifty dollars nor more than one hundred dollars in every case, and to a like fine for every day he or they shall neglect or refuse to abate such nuisance when notified by the mayor or board of health to abate the same.

3. LICENSE—HOW OBTAINED—BOND.] Any person desirous of obtaining a permit under the provisions of this chapter, shall make application therefor to the common council in writing, stating the business he is desirous of pursuing, and specifying the premises whereon the business is to be conducted. If such application shall be granted, the applicant shall thereupon

be required to enter into a bond, with one or more sureties, to be approved by the mayor, in the penal sum of not less than one hundred dollars nor more than five thousand dollars, conditioned that the said applicant will faithfully comply with all the requisitions of this chapter, and such other ordinance or ordinances as may be hereafter passed by the common council upon this subject. And, upon the execution and delivery of said bond, it shall be the duty of the mayor and clerk to issue a license to the applicant, under the corporate seal, which license shall continue in force for the period of one year from and after the date thereof, and no longer, and the clerk shall keep a register of all licenses which shall be issued.

4. OFFAL, ETC.—HOW TO BE DISPOSED OF—PENALTY.] No person who shall obtain a license for any business, employment or purpose mentioned in the two preceding sections, or who shall conduct or carry on any such business or employment within the limits of the city, or within the distance of four miles therefrom, or upon the Chicago river or either of its branches, or within one hundred rods thereof, shall allow or suffer any blood, bones, offal, still slops, or other offensive matter to run, fall or get into the Chicago river, or into either of the branches thereof, or any of the canals or slips connected therewith, or place, cause, or permit to be placed, or permit or suffer to remain on his premises, as aforesaid, any blood, bones, offal, filth, still slops, or other offensive matter for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight hours during any other part of the year; but the same shall be collected in tubs or vats, constructed as the health officer may direct, and removed within the time above prescribed, to a distance of at least forty rods from said river and its branches and from Lake Michigan, and a like distance from any dwelling, or public street, or highway, in covered and tight boxes as the health officer may direct, and shall then be buried in the ground and covered with a layer of earth at least twelve inches in depth, so as not to become a nuisance or a matter of offense. And every such person shall, at all times, keep his premises in a clean, healthy and inoffensive condition. Any person who shall violate any of the provisions of this section shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each and every offense, and the license so granted to him, if any license shall have been granted, may be revoked at the pleasure of the common council.

5. DISCHARGE OF OFFAL, LIQUID, ETC., FROM PREMISES—PENALTY.] Any distiller, tanner, brewer, butcher, pork and beef packer, soap boiler, tallow chandler, dyer, livery stable keeper, or other persons whatsoever, who shall cause or suffer any offal, manure, rubbish, filth, still slops, or any refuse animal or vegetable matter, or any foul or nauseous liquid, to be discharged out of or flow from any premises owned or occupied by him, or to be thrown into, deposited or left in the Chicago river, or either of its branches, or any of the slips or canals connected therewith, or into Lake Michigan, or into any slough within the jurisdiction of the city, or in or upon any street, alley, public square, vacant lot, wharf or dock, river bank or lake shore, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars, for every offense.

6. OFFAL, FILTH, ETC., NOT TO REMAIN ON PREMISES—PENALTY.] No person shall permit or suffer any substance of the nature mentioned in the preceding section, which is liable to become putrid or offensive or injurious to the public health, to remain on any premises owned or occupied by him for a longer period than twenty-four hours at any one time, from the first day of March to the first day of November in any year, or exceeding forty-eight hours during any other part of the year, but the same shall be removed and buried within the time above designated, in the manner and according to the requisitions prescribed in like cases in the fourth section of this chapter. Any person who shall violate any provision of this section, shall be subject to a fine of not less than twenty-five dollars and not exceeding one hundred dollars for every offense, and a further penalty of twenty-five dollars for each day the same shall be allowed to remain after a conviction for the first offense.

7. RENDERING ESTABLISHMENTS—WHEN A NUISANCE—PENALTY.] No person shall steam, or boil, or in any way render any offal, tainted or damaged lard or tallow, or steam or render any animal substance in such a manner as to occasion any offensive smell, or which will, by undergoing such process, so taint the air as to render it unwholesome or offensive to the smell, within the limits of the city, or within the distance of two miles therefrom. Any person who shall violate any of the provisions of this section shall be subject, for each offense, to a fine of not less than twenty-five dollars and not exceeding one hundred dollars, in the discretion of the court.

8. OFFENSIVE PREMISES—PENALTY.] Any owner or occupant of any tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, packing house, slaughter house, or rendering establishment, who shall suffer the same to become nauseous, foul or offensive, shall be fined in a sum not less than twenty-five dollars and not exceeding one hundred dollars in every case.

9. OFFENSIVE GROUNDS—PENALTY.] If any person shall own, occupy or keep any grounds or other premises in such condition as to be offensive and a nuisance to the neighborhood, he shall be subject to a fine of not less than twenty-five dollars, and not exceeding one hundred dollars, and to a like fine for every day such nuisance shall continue after the first conviction.

10. PRIVIES—VAULT—PENALTY.] If any person shall erect or continue any privy forty feet from any street, or the dwelling, shop, or well of any other person, unless the same be furnished with a substantial vault, six feet deep and made tight, so that the contents cannot escape therefrom, and sufficiently secured and enclosed, he shall incur a penalty of ten dollars, and a like penalty for every week he shall continue the same after the first conviction.

11. CELLAR, DRAIN, ETC., OFFENSIVE—PENALTY.] If any person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or sink upon any premises belonging to or occupied by him to become nauseous, foul, offensive or injurious to the public health, he shall be subject to a fine of not less than five dollars, and not exceeding fifty dollars in every case, and to a like fine for every day the same shall continue after notice to remove and abate such nuisance.

12. HOGS, ETC., AT LARGE—PENALTY.] If any person, being the owner of any hog, shoat or pig, shall suffer the same to run, or be, at large, or to be found at large, he shall be subject to a penalty of two dollars in every case.

13. POSTING BILLS—WHEN UNLAWFUL—PENALTY.] Any person who shall stick or post any handbill or placard, of any description, upon any public or private house, store or other building, or upon any fence, without the permission of the owner or occupant of the same, shall be subject to a fine of not less than three dollars and not exceeding twenty-five dollars in every case.

14. POLICE TO BE DETAILED—REPORTS—POWER OF.] For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the board of police, to cause to be detailed a sufficient number of the police force, not less than two from each division of the city, and said force to be under the control of the health officer, to make, from time to time, and as often as may be requisite, a thorough and systematic examination of the city, and to ascertain and report to the proper authority, for prosecution, all violations of this chapter; and for this purpose they shall be permitted at all times to visit and enter into or upon any building, lot or grounds, within the jurisdiction of the city, and to make examination thereof.

15. NUISANCES TO BE ABATED BY BOARD OF HEALTH.] Whenever any nuisance shall be found on any premises, within the city, contrary to any ordinance, the board of health are hereby authorized, in their discretion, to cause the same to be summarily abated, in such manner as they may direct.

16. PROCEEDINGS TO ABATE.] In all cases where a nuisance shall be found in any building, or upon any ground or other premises within the jurisdiction of the city, twenty-four hours notice may be given in writing, signed by the board of health, or by some officer of said board, or by the acting health officer, to the owner or occupant of such building or other premises, where he is known and can be found, to remove such nuisance, and in case of his neglect or refusal to abate the same in accordance with such notice, he shall be chargeable with the expenses which may be incurred in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.

17. INFORMER—MOIETY OF FINE, ETC.] Any person or persons, other than members of the police force, who may hereafter give information that shall lead to the conviction of any person or persons guilty of a violation of this chapter, shall be entitled to one-half the fine imposed for such violation, to be paid when the same shall be collected, upon the certificate of the clerk of the police court, stating the person who gave such information, and the time when it was given.

18. OBSTRUCTION OF RIVER—PENALTY.] Every pile, timber or stone which may have been or shall be driven, placed or laid, or projected in, along or across the Chicago river or its branches, below low water mark or any water line which may be established by the common council, for the purposes of a wharf, or otherwise shall be deemed a nuisance. And every person who shall drive or place any pile, timber or stone, as aforesaid, or be the owner of any premises on which the same shall be so driven, placed or erected, shall

be subject to a fine of not less than twenty dollars and not exceeding hundred dollars for every violation hereof, and to a like fine for every day such nuisance shall continue after notice to abate the same.

CHAPTER 30.

ORDINANCES.

SECTION.

1. Ordinances to be recorded and originals filed.
2. When to take effect.
3. Effect of modification or repeal—Saving clause.
4. Election between two penalties but recovery only on one.
5. Repeal of subsequent ordinance not to revive old one.

SECTION.

6. Rule of construction—Proviso.
7. Penalty when none is ordained.
8. In absence of mayor who to act—What reasonable time is.
9. Penalty does not defeat right of recovery breaches.
10. Repealing and saving clause.

1. TO BE RECORDED—HOW ORIGINALS FILED.] *Rev. Ord. 1866.* Ordinances passed by the common council shall be recorded by the clerk in the book of ordinances. The originals shall be filed in the clerk's office, and due proof of the publication of all ordinances requiring publication, by affidavit of the printer or publisher, shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of ordinances.

2. WHEN TO TAKE EFFECT.] All ordinances passed by the common council, requiring publication, shall take effect from and after the due publication thereof in the corporation paper, unless therein otherwise expressly provided; ordinances not requiring publication shall take effect from their passage, unless therein otherwise expressly provided.

3. EFFECT OF MODIFICATION OR REPEAL—SAVING CLAUSE.] Whenever an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying same, when such publication shall be required to give effect thereto, unless therein otherwise expressly provided. But no suit, proceeding, right, fine or penalty, instituted, created, given, secured or accrued under any ordinance previous to its repeal, shall in anywise be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force, unless it shall be therein otherwise expressly provided.

4. TWO PENALTIES—ELECTION—ONE RECOVERY ONLY.] In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense.

5. REPEAL OF SUBSEQUENT ORDINANCE NOT TO REVIVE OLD ORDINANCE.] When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided.

6. RULE OF CONSTRUCTION—PROVISO.] Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only or the masculine gender, several matters, parties or persons, and females as well as males and bodies corporate, shall be deemed to be included: *Provided*, that these rules of construction shall not be applied to any ordinance which shall contain any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

7. PENALTY WHEN NONE ORDAINED.] Whenever in any ordinance the doing of any act, or the omission to do any act or duty, is declared to be a breach thereof and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three dollars nor more than one hundred dollars.

8. WHO TO ACT IN ABSENCE OF MAYOR—WHAT IS REASONABLE TIME.] Whenever any power shall be vested in the mayor, or he shall be required to do any act or perform any executive function, in his absence it shall be the duty of the acting mayor for the time being to exercise such power and perform such act or executive function as fully as if expressly named in the ordinance, unless it shall be therein otherwise expressly provided, or such act would be in derogation of the charter. In all cases where any ordinance shall require any act to be done in a "reasonable time," or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with such notice.

9. PENALTY DOES NOT TAKE AWAY RIGHT OF RECOVERY FOR BREACHES.] Whenever in any ordinance the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and damage, loss, expense or injury to the city, or to any person, is a result or consequence of such doing or omission, compensation for such damage, loss, expense or injury may be recovered from the offender by the party aggrieved.

10. REPEALING CLAUSE—SAVING CLAUSE.] All ordinances of the city of Chicago, heretofore passed in relation to the subject matter of, or inconsistent with, any of the provisions of this ordinance, shall be and the same are hereby severally repealed: *Provided*, that such repeal shall not affect any act done or any right accruing or accrued, or established, or any suit, action or proceeding had or commenced in any civil case before the time when said repeal shall take effect, nor any offense committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal, for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the ordinances so repealed.

CHAPTER 31.

PARKS AND PUBLIC GROUNDS.

SECTION.

1. Names established.
2. What games are prohibited in—Penalty.
3. Duty of board of public works to superintend
4. Ingress and egress regulated.
5. Animals to be excluded.
6. Firearms, etc., prohibited in—Injury to shrubbery.
7. Hindering employes prohibited.
8. Speed in driving regulated.
9. Animals, etc., to keep on drives.
10. Obstruction of ways prohibited.
11. Hacks, etc., not to ply for hire.
12. Peddling in, prohibited.
13. Certain vehicles prohibited.
14. Fortune telling, gaming, indecency, etc., prohibited.
15. Power to close part of parks.

SECTION.

16. When parks to be open.
17. Right to open and close parks.
18. Conduct of visitors regulated.
19. Bathing, fishing, etc. in forbidden.
20. Fireworks prohibited.
21. Perambulators on walks.
22. Posting bills forbidden.
23. Processions, fire apparatus, etc. prohibited when.
24. Funeral processions prohibited.
25. Fires prohibited.
26. To keep off grass, except when.
27. Power of police in.
28. Chapter applies to public squares.
29. Penal clause.
30. Use of grass grown.

1. NAMES ESTABLISHED.] *Rev. Ord.* 1866. The several public parks, squares and grounds in the city of Chicago, shall be known and designated by the names applied thereto respectively on the map of the city of Chicago published by Mr. J. Van Vechten in the year 1872.

2. GAMES IN PROHIBITED—PENALTY.] No person shall play at ball, cricket, or at any other game or play whatever, in any of the inclosed public parks or grounds in this city, under the penalty of five dollars for every offense.

3. BOARD OF PUBLIC WORKS—DUTY OF.] It shall be the duty of the board of public works to superintend all inclosed public grounds and keep the fences thereof in repair, the walks in order and the trees properly trimmed, and improve the same according to plans approved by the common council. They shall likewise cause printed or written copies of the prohibitions of this chapter to be posted in the said grounds or parks.

4. WALLS AND FENCES.] *Ord. Jan.* 11, 1869. No person shall enter or leave any of the public parks of the city of Chicago, except by their gateways; no person shall climb or walk upon their walls or fences.

5. ANIMALS TO BE EXCLUDED.] Neither cattle, horses, goats, swine or other animals, except as herein provided, shall be turned into any one of the said parks by any person.

6. FIREARMS AND MISSILES PROHIBITED—PROTECTION OF SHRUBBERY.] All persons are forbidden to carry firearms or to throw stones or other missiles within any one of the public parks. All persons are forbidden to cut, break or in any way injure or deface the trees, shrubs, plants, turf or any of

the buildings, fences, bridges, or other construction or property, within or upon any of the said parks.

7. HINDERING EMPLOYEES.] No person shall converse with, or in any way hinder those engaged in their construction.

8. SPEED OF DRIVING.] No animal shall travel on any part of either of the said parks at a rate exceeding six miles per hour.

9. VEHICLES AND ANIMALS ON DRIVES.] No vehicle, or horse, or other animal shall be permitted on the foot walks, the same being devoted exclusively to pedestrians; nor shall any vehicle, horse or animal of burden go upon any part of either of the parks, except upon the carriage drives and upon such places as are appropriated for carriages at rest.

10. OBSTRUCTION OF WAYS.] No animal or vehicle shall be permitted to stand upon the drives or carriage roads of any of the public parks of the city, or any part thereof, to the obstruction of the way, or to the inconvenience of travel, nor shall any person solicit passengers within either of said parks.

11. HACKS, ETC., NOT TO PLY FOR HIRE.] No hackney coach, carriage or other vehicle for hire, shall stand upon either of the parks of the city of Chicago for the purpose of taking in any other passengers, or persons, than those carried to the park by said coach, carriage or vehicle.

12. PEDDLING IS NOT ALLOWED.] No person shall expose any article or thing for sale upon any of said parks, except such person shall have been previously licensed by the board of public works, nor shall any hawking or peddling be allowed therein.

13. PROHIBITED VEHICLES.] No omnibus or wagon with or without passengers, nor any cart, dray, wagon, truck or other vehicle carrying goods, merchandise, manure, soil or other article, or solely used for the carriage of goods, merchandise, manure or other articles, shall be allowed to enter any part of either of the said parks. This, however, does not apply to vehicles engaged in the construction of such parks, nor private family wagons.

14. BOISTEROUS LANGUAGE—FORTUNE TELLING—GAMING—INDECENCY.] No threatening, abusive, insulting or indecent language shall be allowed therein whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes or play at any game of chance at or with any table or instrument of gaming, nor to do therein any obscene or indecent act.

15. POWER TO CLOSE PART OF PARKS.] In case of any emergency, where life or property is endangered, all persons, if required so to do by the superintendent or any of his assistants, shall remove from the portion of either of said parks specified by the superintendent or his assistants, and remain off the same until permission is given to return.

16. PARKS—WHEN OPEN.] Lincoln park and Union park shall be open daily to the public during the months of December, January and February from seven o'clock in the morning until eleven o'clock in the evening; during the months of March, April, May, October and November from six o'clock in the morning until ten o'clock in the evening, and during the months of June, July, August and September, from five o'clock in the morning until eleven o'clock in the evening.

17. POWER TO OPEN AND CLOSE PARKS.] The superintendent may, for

cause, direct that any of the entrances to either of the said parks be closed at any time, and may, on special occasions, also direct that any of the said parks or any portion thereof, remain open at other times than those above specified.

• **18. DUTY OF VISITORS.]** No person other than employes in the park shall enter or remain in it except when it is open as above specified. No person other than employes shall bring upon any of the public parks any tree, shrub or plant, nor any newly plucked branch or portion of a tree, shrub or plant.

19. BATHING, FISHING, ETC.] No person shall bathe or fish in, or go, or send, or ride any animal in any of the waters of either of the said public parks, or waters of Lake Michigan in front of any of said parks, nor disturb any of the fish, water fowl or other birds in any of said parks, or any deer, sheep or other animal belonging to and preserved therein, nor throw, or place any article or thing in the waters within either of said parks.

20. FIREWORKS PROHIBITED.] No person shall fire, discharge or set off in any of said public parks any rocket, cracker, torpedo, squib, balloon, snake, chaser or double-header, nor any fireworks or thing under any other name, composed of the same or similar material, or of the same or similar character as the fireworks above specified.

21. PERAMBULATORS.] No person shall place or propel any invalid's chairs or perambulators upon any portion of said parks except upon the walks.

22. POSTING BILLS.] No person shall post or otherwise affix any bills, notice or other paper, upon any structure or thing within either of said parks, nor upon any of the gates or inclosures thereof.

23. MUSIC—FLAGS, ETC.—PROCESSIONS—FIRE APPARATUS.] No person shall, without the consent of the board of public works, play upon any musical instrument, nor shall any person take into, or carry or display in the said public parks, any flag, banner, target or transparency. No military or target company, civic or other, shall be permitted to parade, drill or perform therein any military or other evolutions or movements. No fire engine, hook and ladder truck, hose cart or other machine on wheels commonly used for the extinguishing of fires, shall be allowed on any part of said parks, without the previous consent of the board of public works.

24. FUNERAL PROCESSIONS PROHIBITED.] No funeral procession or hearse or other vehicle carrying the body of a deceased person shall be allowed upon any part of a public park.

25. FIRES PROHIBITED.] No person other than employes shall light, make or use any fire thereon.

26. TO KEEP OFF GRASS.] No person on foot shall go upon the grass, lawn or turf of the parks, except when and where the word "common" is posted, by order of the board of public works, indicating that persons are at liberty at that time and place to go on the grass.

27. POLICE, POWER OF.] *Rev. Ord. 1866.* Any member of the city police shall have power to arrest any person who shall not desist from any violation hereof, when directed, and cause him to be committed for examination.

28. APPLICATION TO SQUARES.] *Ord. Jan. 11, 1869.* The foregoing sections of this chapter, so far as applicable, shall apply to all the public squares of the city of Chicago.

29. PENALTY.] Any person who shall violate any or either of the provisions of this chapter, or any section, or clause, or any provision of any section thereof, or who shall neglect, or fail, or refuse to comply with any, or either of the requirements thereof, shall, on conviction, pay a fine of not less than five dollars, nor more than one hundred dollars.

30. USE OF GRASS.] *Rev. Ord. 1866.* The fire marshal may cause any grass fit for hay, growing or grown upon any of the public parks or grounds, to be cut and cured, under the direction of the board of public works and appropriated for the use of the teams used by the fire department.

CHAPTER 32.

PAWNBROKERS.

SECTION.

1. To be licensed—Penalty.
2. Definition of the word pawnbroker.
3. How license obtained—Fee—Bond.
4. When license to expire.

SECTION.

5. Registration of licenses.
6. Pawnbroker's record—Penalty for not keeping.
7. Inspection of record—Penalty for refusing.
8. Dealing with minors prohibited—Penalty.

1. TO BE LICENSED—PENALTY.] *Rev. Ord. 1866.* No person or persons shall carry on or conduct the business or calling of a pawnbroker, within the city of Chicago, without having first obtained a license so to do, under a penalty of not less than twenty dollars nor more than one hundred dollars for each offense.

2. PAWNBROKER DEFINED.] Any person who loans money on deposit, or pledge of personal property, bonds, notes or other securities, or who deals in the purchasing of personal property or choses in action, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

3. LICENSE—HOW OBTAINED—FEE—BOND.] The mayor is hereby authorized to grant a pawnbroker's license to any person of good character who may apply therefor, on the following conditions: The person so applying shall first pay to the collector a sum of money in proportion to the sum of one hundred dollars per annum for the time such license shall be granted, and shall execute a bond to the city of Chicago in the sum of five hundred dollars conditioned that the said applicant will in every particular conform to the requirements of this chapter, and with the requirements or provisions of any ordinance hereafter to be passed concerning pawnbrokers, and thereupon the clerk shall issue a license in due form, under the corporate seal,

signed by the mayor and countersigned by the clerk. Such applicant shall, previously to the issuing of such license, pay to the clerk a fee of one dollar for such license.

4. LICENSES—WHEN TO EXPIRE.] All such licenses issued under this chapter shall expire on the first day of April next after the time of such issuing.

5. LICENSE—REGISTER OF.] The clerk shall keep a register of all licenses granted under this chapter, in which he shall record the name of the person licensed, the time of issuing the same and the place of business of the person so licensed.

6. PAWNBROKERS BOOK—PENALTY.] Every person so licensed as aforesaid shall keep at his place of business a substantial and well-bound book, in which he shall enter in writing, a minute description of all personal property, bonds, notes or other securities received on deposit or purchase, as aforesaid, the time when they were so received and particularly mentioning any prominent or descriptive marks that may be on such property, bonds, notes or other securities, together with the name and residence of the person or persons by whom they were left, which said book shall be kept clean and legible and no entry therein shall be erased, obliterated or defaced, and all the entries therein shall be made with ink. Every such licensed person failing to comply with any of the provisions of this section shall forfeit to said city the sum of twenty-five dollars.

7. INSPECTION OF BOOKS—PENALTY.] Every person so licensed, as aforesaid, shall during the ordinary hours of business, when requested by the mayor, the commissioners of police or any police officer of the city, submit and exhibit such book in the sixth section provided for, to the inspection of said mayor or officer of the police department, and shall also exhibit any goods, personal property, bonds, notes or other securities that may be so left with said licensed person, to the inspection of said mayor, or officer of the police department; and every such licensed person refusing to submit said books, goods, personal property, bonds, notes or other securities as aforesaid, upon request of the mayor or any officer of the police department of said city, shall forfeit to the city of Chicago the sum of fifty dollars.

8. DEALING WITH MINORS—PENALTY.] No person licensed as aforesaid, shall take or receive in pawn or pledge for money loaned, or shall take, receive or purchase, within the line of business of such pawnbroker, any article, property or thing of and from any minor, or any article, property or thing of and from any person, the ownership of which property, article or thing is in, or claimed by, any minor, the said pawnbroker knowing said article, property or thing to be owned or claimed by such minor. Any person violating any or either of the provisions of this section, shall, on conviction, be fined in a sum not exceeding one hundred dollars. Any person so licensed violating any of the provisions of this chapter or of any ordinance hereafter passed, concerning pawnbrokers, shall be subject, in the discretion of the mayor to have his license revoked.

CHAPTER 33.

PEDDLERS.

SECTION.

1. Peddler defined.
2. To be licensed—Penalty.
3. How license obtained—Fee—Condition of.

SECTION.

4. When ordinance does not apply.
5. Peddlers vehicles to have sign—Penalty.
6. Occupation of sidewalks allowed, when.

1. PEDDLERS DEFINED.] *Rev. Ord. 1866.* Every person who shall sell, or offer any goods, wares, merchandise, or other articles of value for sale, barter or exchange at any place in, upon, along or through the streets, avenues, alleys, or other public places, docks and wharves, shall be deemed a peddler.

2. TO BE LICENSED—PENALTY.] It shall not be lawful for any peddler to exercise his calling within this city without a license; and any person violating this section shall be subject to a penalty of not less than ten dollars nor more than one hundred dollars for every offense.

3. LICENSES—HOW OBTAINED—FEE—PENALTY.] *Ord. July 22, 1872.* The mayor is hereby authorized, in his discretion, to grant a peddler's license to any person applying in writing for the same, upon the payment of ten dollars for one year, or five dollars for six months, or of three dollars for three months, and no other fees: *Provided*, that the mayor shall be satisfied that the person applying is in all respects a suitable and proper person to be so licensed, and of good moral character; and the license issued shall set forth the kind of goods and merchandise desired to be peddled and the mode of conveyance of the same. Such license shall be granted for one year, for six months, or for three months, and shall be subject to be revoked by the mayor, in his discretion, for any improper conduct on the part of the person so licensed: *And provided, further*, that the license to peddle fruit, nuts, cakes, refreshments (from basket or from stand), books, or bread, may be granted on payment of two dollars only for one year, or part thereof, and without bond. Any person licensed as aforesaid, who shall be guilty of any fraud, cheat, misrepresentation or imposition, while acting in such capacity, or who shall peddle any other kind of goods, merchandise or article, or use any other mode of conveyance than that specified in his license, without leave of the mayor, shall, on conviction thereof, be subject to a fine of not less than ten dollars nor more than one hundred dollars.

4. WHEN ORDINANCE DOES NOT APPLY.] This chapter shall not be so construed as to apply to any person or persons coming into the city from the country, with teams or otherwise, with any produce for market, or to any person selling vegetables, berries or the produce of their own farms or premises;

nor shall the same be so construed as to make it a penal offense for children under the age of twelve years to peddle apples or other fruit, provided they do not occupy a stand; nor to be construed to apply to the peddling of newspapers.

5. PEDDLERS' VEHICLES TO BE MARKED—PENALTY.] Any person who shall exercise the vocation of a peddler, by means of wagon, cart or other vehicle, shall cause his name, together with the number of his license, to be painted on the outside of his vehicle, in letters and figures not less than one inch in length. Any violation of this section shall subject the offender to a fine of not less than five dollars and not more than fifty dollars.

6. OCCUPATION OF SIDEWALKS.] *Ord. May 20, 1871.* All persons who are or who may hereafter be licensed by the mayor of said city to peddle fruit, nuts, cakes, candies, refreshments and bread, may, and they are hereby authorized to, occupy, in the carrying on of their said business, so much of the sidewalk adjoining any building or lot as by section seven of chapter forty-nine (sidewalks), of the revised ordinances of said city, the occupants of buildings are permitted to occupy for the display or storage of goods: *Provided*, that the consent of the occupant of such building or lot be first had and obtained by the person desiring to occupy such space. Nothing contained in this section shall authorize any person to obstruct any portion of any sidewalk which is used for ordinary travel over the same.

CHAPTER 34.

PETROLEUM AND OTHER DANGEROUS LIQUIDS.

SECTION.

1. Storage of, regulated—Fire test.
2. When fire-proof warehouses may be used—Permit.
3. Pittsburgh, Ft. Wayne and Chicago railroad warehouse excepted.
4. Inspector to be appointed—Duty of.

SECTION.

5. Inspector's fees—Deputies.
6. Oath of office and bond.
7. Penalty for inspector dealing in oils, etc.
8. Inspection and registration—Certificate.
9. Penalty for frauds on or evasion of ordinance.

1. RESTRICTIONS ON STORAGE—FIRE TEST.] *Rev. Ord. 1866.* It shall be unlawful for any person, persons or corporation, to store or keep for sale, within the corporate limits of the city of Chicago, any crude petroleum, gasoline, naptha, benzine, camphene, spirit-gas, burning-fluid or spirits of turpentine exceeding a quantity of five barrels of forty-five gallons each; and it shall be unlawful to keep for sale, or on storage, any refined carbon oil, kerosene or other products—for illuminating purposes—of coal, rock or earth oils, excepting such refined oils as will stand a fire test of one hundred and ten degrees of Fahrenheit, according to the method and directions of John Tagliabue; and it shall not be lawful to keep any quantity of said articles ex-

ceeding one barrel of forty-five gallons in any part of a building, excepting a cellar, the floor of which shall be five feet below the grade of the adjacent streets; and no crude petroleum, gasoline, naptha, benzine, carbon oil, camphene, spirit-gas, burning-fluid, or spirits of turpentine shall be kept or stored in front of any building, or on any street, alley, wharf, lot or sidewalk, for a longer time than is sufficient to receive in store or in delivering the same: *Provided*, such time shall not exceed six hours.

2. FIRE-PROOF WAREHOUSE—WHEN IT MAY BE USED—PERMIT.] Any person, persons or corporation having within the city a fire-proof warehouse detached and clear of other buildings, and at least fifty feet distant, and exclusively used for the storage of such articles as are named in this chapter, and properly ventilated for that purpose, having beneath its ground floor an open space or cellar three feet or more in depth below the surface of the adjacent ground, on procuring the approval, in writing, of the fire marshal, may apply to the common council of this city for a permit to use said warehouse exclusively for said purpose; and if the common council, with the consent of the mayor, shall grant such permit, then, while the same shall remain in force, said parties using said warehouse shall not be subject to the foregoing section of this chapter.

3. P., F. W. & C. R. W. WAREHOUSE.] *Ord. March 29, 1867.* Permission is hereby given to the Pittsburgh, Fort Wayne & Chicago Railway Company to keep and maintain for the exclusive storage of petroleum, gasoline, naptha, benzine, camphene, spirit gas, burning fluid and spirits of turpentine, the warehouse erected by said company at the southeast corner of Stewart avenue and Twelfth street, in the city of Chicago, the location and construction of the same having been approved by the fire marshal of said city: *Provided, however*, such permission shall be subject to amendment, modification or revocation by said common council.

4. INSPECTOR TO BE APPOINTED—WHEN—DUTY OF.] *Rev. Ord. 1866; act Leg. Mar. 10, 1869.* There shall be appointed by the common council, by ballot, biennially, on the second Monday of December, or as soon thereafter as may be, an inspector of mineral oils. Said inspector shall be a suitable, qualified person, who is neither directly or indirectly interested in manufacturing, vending or selling, either as principal or agent, any of the articles mentioned in this chapter. He shall, at his own expense, provide himself with the necessary instruments and apparatus for testing the quality of said articles named in this chapter, and whose duty it shall be to examine and test the quality of all said oils and products that he shall be requested by any importer, dealer or vendor, to examine; and if, upon such testing and examination, the oils so tested and examined shall meet the requirements of this chapter, he shall brand the same with the date of examination, his name, and this device: "Approved; the fire test being —," on each package, cask or barrel containing it; and it shall be lawful for any dealer to sell the same. But if the oil so tested shall not meet the requirements of this chapter, he shall mark upon each package, cask or barrel, his name, the date of examination, and this device: "Condemned as dangerous for illuminating purposes; the fire test being —," and it shall be unlawful for the owner thereof to offer the same for sale within the limits of this city for illuminating purposes.

5. INSPECTOR'S FEES—DEPUTIES.] *Rev. Ord.* 1866. The inspector provided in this chapter may charge not to exceed six cents for inspecting or examining each package, cask or barrel, and collect the same of the party employing him. He may also, if necessary to the convenient dispatch of his duties, appoint a suitable number of deputies, for whom he shall be accountable, which deputies are empowered to perform the duties of inspector.

6. OATH OF OFFICE—BOND.] Every person appointed inspector or deputy inspector shall, before entering upon the duties of his office take an oath, or affirmation, to perform the duties of his office with fidelity; and every inspector shall file a bond to the city of Chicago, with two sureties in the sum of ten thousand dollars, conditioned for the faithful performance of the duties imposed upon him, which bond shall be for the use of all parties aggrieved by the acts of such inspector.

7. INSPECTOR DEALING IN—PENALTY.] No inspector or deputy inspector, while in office, shall buy, sell, bargain or otherwise trade in any article which they are appointed to inspect; and for any violation of this chapter he or they shall be liable to the forfeiture of his or their bond.

8. CERTIFICATE—REGISTER—INSPECTION OF.] Every inspector shall, within twenty-four hours after inspection of oils, heretofore mentioned, return a true and accurate account thereof to the party employing him, and shall make an entry of all oils inspected, in an intelligible manner, in a book prepared for that purpose, which shall be open to inspection by all parties.

9. FRAUDS—EVASIONS—PENALTY.] Any person, persons or corporation who shall violate either of the provisions of this chapter, or who shall use or refill casks, barrels or packages having the inspector's brands thereon, for the purpose of fraudulently evading the conditions of this chapter, or shall mark the inspector's device, or any marks purporting to be marks of inspection, on any cask, barrel or package of any of the articles named in this chapter, or shall offer for sale within the city any of said oil that has not been examined by said inspector or his deputy, shall be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each offense, one half of which shall go to the informer, and the penalties for a violation of any of the provisions of this chapter may be recovered in any court of competent jurisdiction.

CHAPTER 35.

PLUMBERS.

SECTION 1. Plumbers to be licensed—To take out permits for work—Penalty.

1. TO BE LICENSED—PERMIT FOR WORK—PENALTY.] *Ord. Sept. 7,* 1868. Any person who shall lay any water service pipes, or introduce

into or about any building, or on any grounds, any water pipes, or do any plumbing work in any building, or on any grounds, for the purpose of connecting such pipes or plumbing works with the pipes of the Chicago water works, or of preparing them for such connections, with the view of having such premises supplied with water by the Chicago water works, or who shall make any addition to or alteration of any water pipe, bath, water-closet, stop cock, or other fixtures or apparatus for the supplying of any premises with water, without being duly licensed to perform said work by the board of public works of the city of Chicago, and without having first obtained a permit for the doing of such work from said board, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars.

CHAPTER 36.

POLICE COURTS.

SECTION.

1. North division police court established and located.
2. Designation of justice—Sessions of court.
3. Power and duty of justice.
4. Clerk—How appointed.
5. Duty of police on arrests made.
6. West division court established and located.
7. Designation of justice—Daily sessions.
8. Power and duty of justice.

SECTION.

9. Clerk—How elected.
10. Duty of police on arrests made.
11. South division court located—Daily sessions.
12. Selection of police balliffs—Their bond and pay.
13. Clerk to report weekly—What to record on docket.
14. Prosecuting attorney—How to be appointed—His duty and salary.

1. NORTH DIVISION — LOCATED.] *Ord. October 19, 1868; amend. December 21, 1871.* There is established a police court in and for the north division of the city of Chicago. Said court shall be held in the building erected for a police station in said division.

2. JUSTICE—HOW DESIGNATED—SESSION OF COURT.] *Ord. October 19, 1868.* The common council shall designate a justice of the peace to hold said court, who shall, when so designated and qualified, hold two sessions of said court daily, viz:—one in the morning and one in the afternoon of every day. Sundays excepted.

3. POWER AND DUTY OF JUSTICE.] The said justice so designated shall have the same power and jurisdiction within the limits of the city of Chicago as are conferred by law and chapter eleven of the charter of the city of Chicago, approved February 13, 1863, and the acts amendatory thereof upon the other police justices of the said city, and shall also be subject to like duties and obligations.

4. CLERK—HOW APPOINTED.] It shall be the duty of the police court clerk of said city to nominate for the approval and confirmation of the common council of said city, a suitable person to act as deputy clerk of said north side police court, who shall have the same powers and be subject to the

same duties and obligations as the said clerk, but who shall be subject to his direction and supervision.

5. DUTY OF POLICE.] It shall be the duty of the police force to cause all persons who may be arrested for a violation of any ordinance of said city, or of any law of the state, within the limits of said division, to be taken before the police court of said division for trial or examination, as the case may be. Said police court for the north division of said city shall have full power and jurisdiction in all cases of violation of the ordinances of said city.

6. WEST DIVISION—LOCATED.] *Ord. May 3, 1869.* A police court in and for the west division of the city of Chicago is established. Said police court shall be held in the building erected for a police station, on the corner of Union and Madison streets, in said west division.

7. JUSTICE—HOW DESIGNATED—DAILY SESSION] The common council shall designate a justice of the peace to hold said court, who shall, when so designated and properly qualified, hold two sessions of said court daily, to wit: one in the morning, and one in the afternoon of every day, Sundays excepted.

8. POWERS AND DUTIES OF JUSTICE.] The said justice so designated shall have the same powers and jurisdiction within the limits of the city of Chicago as are by law and the ordinances of said city conferred upon the other police justices of the city of Chicago, and shall also be subject to the same duties, liabilities and obligations.

9. CLERK—HOW ELECTED.] It shall be the duty of the common council to elect, by ballot, a suitable person to act as deputy clerk of the said west division police court, who shall have the same power and be subject to the same duties, liabilities and obligations as the police court clerk elected by the people, under the provisions of the revised city charter, approved February 13, 1863.

10. DUTY OF POLICE.] It shall be the duty of the police force of said city to cause all persons who may be arrested for a violation of any ordinance of said city, or any law of the state, within the limits of said west division, to be taken before the police court of said division for trial or examination as the case may be. Said police court for the west division of said city shall have full power and jurisdiction in all cases of violation of the ordinances of said city.

11. SOUTH SIDE—LOCATED—SESSIONS.] *Ord. Dec. 21, 1871.* The police court in and for the south division of the city of Chicago shall be held in the building, now occupied as a police station, situate on the northeast corner of Harrison and Griswold streets. The sessions of said court shall be held daily, to-wit: one in the forenoon and one in the afternoon, Sundays, and legal holidays excepted.

12. POLICE BAILIFFS—SELECTION OF—BOND—PAY.] Each police justice of the several police courts is hereby empowered to select from the police force (with the consent of the board of police commissioners) one member of said police force who shall attend the daily sessions of such court and shall discharge such duties as bailiff, or otherwise, under the direction of the justice of such court, as shall be in conformity with the provisions of the city charter in relation to the power and duties of policemen. Such persons shall be

styled police bailiffs. Each of such police bailiffs shall execute a bond, with one or more sureties, to be approved by the mayor, in the sum of one thousand dollars, conditioned for the prompt payment of all moneys which shall come into his hands as such bailiff, to the person or persons authorized by law to receive the same. Such bailiffs shall receive no other compensation than that received by them as policemen, and shall be subject to be relieved as such bailiff at any time by such police justices severally, and their places filled as in the first instance.

13. CLERKS' WEEKLY REPORT—DOCKET ENTRIES.] *Ord. Feb. 14. 1870.* It shall be the duty of the clerk and deputy clerks of the police courts upon each Saturday, at the close of each week, to make a written report to the city attorney, containing the number of cases in which appeals have been taken during the week in the court in which he is clerk, the title of each case, the offense charged, or cause of action, the name and residence of each witness sworn, and the name and residence of each bondsman in every case so appealed, and the title of the court to which such appeal has been taken. It shall be the duty of each of said clerks to enter upon the dockets, in every case in the said police courts, the name and residence of each and every witness sworn in such case, such entry to be made at the time of administering the oath to such witness.

14. PROSECUTING ATTORNEY—HOW APPOINTED—SALARY—DUTY.] *Ord. March 21, 1870.* Upon the recommendation of the corporation counsel and the city attorney, a prosecuting attorney shall be appointed, as provided in section sixteen, chapter eleven of the city charter, who, subject to the direction of the city attorney, shall be the prosecuting officer of the city, and have the management of all city business in the police courts of the city. He shall also perform such other duties connected with the law department of the city as may be required of him by the corporation counsel. He shall devote his whole time to the duties of his office, and shall have no other business. The salary of said prosecuting attorney is hereby fixed at the rate of twenty-five hundred dollars per annum. Said prosecuting attorney shall have his office with the other law officers of the city, and his term of office shall be the same as that of the corporation counsel: *Provided, however,* that said prosecuting attorney may be removed at any time by the common council upon the recommendation of the corporation counsel and city attorney.

CHAPTER 37.

POLICE DEPARTMENT.

SECTION.

1. Authority and duty of policemen
2. Right to enter to make arrest.
3. Neglect of duty, fraud and malfeasance—Penalty.
4. Penalty for resisting or for rescue.
5. Duty of citizen to assist—Penalty.

SECTION.

6. Penalty for falsely personating.
7. Persons at depots to obey—Penalty.
8. Appointment and duty of mayor's police.
9. Power of dismissal—Compensation.
10. How to be empowered to act.

1. DUTY AND AUTHORITY OF POLICEMEN.] *Rev. Ord. 1866.* The several members of the police force of the city of Chicago, when on duty, shall devote their time and attention to the discharge of the duties of their stations, according to the laws and ordinances of the city and the rules and regulations of the board of police commissioners, and it shall be their duty, to the best of their ability, to preserve order, peace and quiet, and enforce the laws and ordinances throughout the city. They shall have power to arrest all persons in the city found in the act of violating any law or ordinance, or aiding and abetting in any such violation, and shall arrest all persons found under suspicious circumstances, and shall take all such persons so arrested to the place designated by such ordinances, rules and regulations. They shall have power and authority in the city to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any law or ordinance of the city; and while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred on constables at common law, and by the laws of this state.

2. POWERS OF ENTRY.] They shall have power and authority, in a peaceable manner, or, if refused admittance after demand made, with force, to enter into any house, store, grocery, shop or other building whatever, in the city, in which any person or persons may reasonably be expected to be for unlawful purposes, and if any person or persons shall be found therein guilty of any crime or misdemeanor, or violation of any ordinance for the preservation of the peace and good order of the city, or who may reasonably be suspected thereof, or who shall be aiding or abetting such person or persons so found, they shall apprehend and keep in custody such person or persons as in cases of other arrest.

3. NEGLECT—FRAUD AND MALFEASANCE.] Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city or the rules and regulations of the board of police, or who shall, in the discharge of his official duties, be guilty of any fraud, ex-

tortion, oppression, favoritism, partiality, or wilful wrong or injustice, shall forfeit and pay a penalty not exceeding one hundred dollars for each offense.

4. RESISTANCE TO POLICE—RESCUE—PENALTY.] Whoever in the city shall resist any member of the police force in the discharge of his duty, or shall in any way interfere with, or hinder or prevent him from discharging his duty as such member, or shall offer or endeavor to do so, and whoever shall, in any manner, assist any person in custody of any member of the police force to escape or attempt to escape from such custody, or shall rescue, or attempt to rescue any person in custody, shall be fined not less than three dollars, nor more than one hundred dollars.

5. ASSISTANCE TO POLICE—PENALTY.] It shall be the duty of all persons in the city, when called upon by any member of the police department, to promptly aid and assist him in the execution of his duties. Whoever shall neglect or refuse to give such aid and assistance, shall be fined not exceeding one hundred dollars; and if the person offending be a licensed hackman, cabman or drayman, or the driver of any licensed hackney coach, cab, omnibus, dray, wagon or other vehicle, the court or magistrate convicting shall be authorized to give judgment that the license for the said person or the driver of the vehicle be canceled and revoked.

6. FALSELY PERSONATING POLICE—PENALTY.] Any person who shall falsely represent any of the members of the police department of this city, or who shall, maliciously or with intent to deceive, use or imitate any of the signs, signals or devices adopted and used by the police department, or shall wear in public the uniform adopted as the police uniform after having been removed or suspended, shall be subject to be fined not less than three dollars nor more than one hundred dollars, or be imprisoned for a term not exceeding three months, or both.

7. DEPOTS—PERSONS AT TO OBEY—PENALTY.] Hackmen, cabmen, omnibus drivers, draymen, porters, runners and other persons, when at or about any railroad depot or station, or steamboat or canal boat landing, or other public place in the city, shall obey the commands and directions of the police officer or officers who may be stationed or doing duty at or about such depots, or stations, or landings, or other places, for the preservation of order and enforcing the ordinances. Whoever shall refuse to obey the commands and directions of a police officer, as aforesaid, shall be subject to be fined not exceeding twenty dollars.

8. MAYOR'S POLICE—APPOINTMENT—DUTIES.] The mayor is hereby authorized and empowered to appoint not to exceed four men, who are qualified by law to act as police officers, to be known as the mayor's police, whose duty shall be to look after and to prosecute any person or persons who shall send or dispose of any article or thing of any kind whatsoever without first having obtained legal permission so to do, or who shall in any manner violate the ordinances of the said city of Chicago and to discharge such other duties, as the mayor may direct.

9. POWER TO DISMISS—COMPENSATION.] The person or persons so appointed may be dismissed from said service by the mayor at his discretion, and he or they shall receive the same compensation as is paid to the patrol police force, to be paid out of the contingent fund of said city.

10. HOW AUTHORIZED TO ACT.] It shall be the duty of the mayor to report the appointments made in accordance with the provisions of section eight of this chapter to the commissioners of the board of police, who shall legally empower the person or persons so appointed to discharge the duties of a police officer.

CHAPTER 38.

POLICE AND FIRE TELEGRAPH.

SECTION.

1. Penalty for giving false alarm.
2. Penalty for wrongful manufacture or use of key.

SECTION.

3. Penalty for interference with wires.

1. FALSE ALARMS BY MEANS OF—PENALTY] *Ord. May 29, 1865.* Should any person or persons knowingly give, or cause to be given, any false alarm of fire by means of the telegraph boxes connected with the police and fire alarm telegraph, such person or persons shall be subject to a fine of not less than fifty dollars, nor more than one hundred dollars, to be recovered as other fines are recoverable.

2. WRONGFUL MANUFACTURE OF KEYS—PENALTY.] Should any person or persons make, or cause to be made, any key or keys of any fire-engine, hose-truck-house, or fire alarm telegraph box, or use, or cause to be used the same except the mayor, the board of police and fire commissioners, board of public works and chief fire marshal, without the consent of the proper authority, such person or persons shall be subject to a fine of not more than one hundred dollars, to be recovered as other fines are recoverable.

3. INTERFERING WITH WIRES—PENALTY.] All persons whatsoever, except the duly authorized agents or officers of the board of police and fire commissioners, are hereby forbidden to cut or remove, or in any way alter or interfere with any fire alarm, police, water or other telegraph wire belonging to the city of Chicago; and any person violating this section shall be subject to a penalty of fifty dollars, to be recovered as other fines for the violation of city ordinances are recoverable.

CHAPTER 39.

PORTERS AND RUNNERS.

SECTION.

1. To be licensed—How license to issue—Bond—Fee.
2. Revocation and substitution of license—Who liable under.
3. A badge to be borne and a card to be carried.
4. Soliciting for vehicles prohibited, when—Proviso.

SECTION.

5. Runners, etc., at depots—Who may act—Proviso.
6. Deceit prohibited.
7. Charges authorized by public porters.
8. Disorder by language or conduct forbidden.
9. Police to regulate—Powers of.
10. Penal clause.

1. LICENSES—HOW ISSUED—BOND—FEE—TO EXPIRE, WHEN.] *Rev. Ord. 1866.* Any person of good moral character, on application to the mayor, in writing, shall be entitled to a license to act as public porter and runner, upon his executing, for the use of the city of Chicago, a bond, with two or more good and sufficient sureties, to be approved by the mayor, in the penal sum of five hundred dollars, conditioned to observe and keep all ordinances on this subject, and upon the payment of the sum of twelve dollars per annum, and no other fees: *Provided*, that all licenses issued or granted under this chapter shall expire or be renewed on the first day of April in each and every year.

2. LICENSE—REVOCATION AND SUBSTITUTION—PROVISO—WHO LIABLE FOR ACTS OF.] The keeper or keepers of any hotel or public house, who shall have obtained a license for any porter or runner in his, her or their employ, may, at his, her or their option, have the same revoked, and be entitled to another for the remaining portion of the year for which such license shall originally have been granted, without additional charge or fee therefor: *Provided*, that no such license shall be changed or transferred to any other hotel or public house without an order from the mayor or common council for that purpose first had and obtained; and each and every keeper or proprietor of any such hotel or public house shall be personally liable for each and every violation of this chapter, or any clause thereof, when committed by any porter or runner in his, her or their employ, or who shall be acting under the license granted to any such hotel or public house keeper or proprietor, or either of them, for the use of such hotel or public house.

3. TO BE LICENSED—BADGE—BUSINESS CARD.] No person shall act as porter or runner, either for himself or any public house or hotel, or in any manner act in that capacity, or ask the patronage or custom of any traveler or other person for any public house, hotel, steamboat, canal boat, propeller, railroad depot or station, transportation company, stage company or line, canal or steamboat landing or dock, or other place of business of the person

or persons, company, line or corporation by whom he shall be employed, unless he shall first obtain a license, or be furnished with one by the person or persons, company, line or corporation for whom he is acting, according to the provisions hereof; nor unless he shall, when so acting as public porter or runner as aforesaid, wear conspicuously upon his breast a badge as follows, to-wit: A brass plate, elliptical in form, with a catch or pin to attach the same to the front of the breast, upon which shall be painted or engraved in legible letters, of not less than three-eighths of an inch in length, the name of the public house, hotel, railroad depot or station, or line, boat or company, or other place for which the said porter or runner is acting, and also, in legible letters, of not less than one-half of an inch in length, the word "porter" or "runner" as the wearer may be, and also in legible letters, not less than five-eighths of an inch in length, the number of the license of the said porter or runner. The said plate shall not be less than three and one-half inches in length, nor less than two inches in width. And no person in said city shall in any manner act as runner for any public house, hotel, company, boarding-house or person, unless such runner shall present, to the person or persons solicited, a card, plainly printed in a language understood by such person, containing the name of the person, company or place, and the business and location of the company, person or place for whom such runner may be acting, and if he be a runner for a boarding-house, hotel, or other place of entertainment such card shall contain also the price of lodging, and of board, by the day, by the week, by the single meal, and the price of conveyance of persons and baggage to and from such boarding house, hotel or other place of entertainment, conspicuously printed on such card or bill.

4. SOLICITING FOR VEHICLES—PENALTY.] No person shall, at any railroad depot or station, steamboat, canal boat, propeller, dock or landing, or other place in this city, ask or solicit any travelers, or other person or persons, to ride in or use any hackney coach, cab, omnibus or other vehicle which runs for hire and for the conveyance of passengers, unless he or they shall have a license for that purpose first had and obtained: *Provided*, that nothing herein contained is intended to prevent the owner or licensed driver of any licensed hackney coach, cab or omnibus from notifying any person that his hackney coach, cab or omnibus is licensed, and runs for hire for the conveyance of passengers.

5. RUNNERS, ETC. AT DEPOTS—WHO MAY ACT—PROVISO.] *Rev. Ord—1866; amend. Ord. Sept. 7, 1868.* No person shall, as a runner or porter, at any place on any railroad or railway grounds, or on any street adjacent thereto, ask, solicit or engage any person to repair to any steamboat, railroad or other public conveyance, excepting such agents for other railroads, steamboats or other public conveyances as may be authorized thereto by the person having charge of the said passenger houses respectively; and persons so authorized shall, at all times when on duty, wear appropriate badges designating their employment: *Provided*, that the provisions of this section shall not apply to any licensed hackman asking or soliciting custom for his hack while wearing the badge specified in section five, of the chapter concerning vehicles.

6. DECEIT PROHIBITED.] No porter or runner shall at any time or place

make use of any device, deceit, imposition or false representation, in relation to the charge of fare, character, custom or location of any public house or hotel, private house, street, place of business, locality or number whatever in said city, or in relation to the time or place of the arrival or departure of any vessels, boat, stage, railroad car or train, or other conveyance, to any stranger, non-resident or citizen, or in any other manner use any deceit as to the arrival or departure of any stage, steamboat, railroad car or train or other conveyance, or as to any locality, place, name or number, or be guilty of any misrepresentation or evil practice toward any emigrant or other person.

7. PORTERS CHARGES.] Public porters shall be entitled to charge, for each trunk or package which they may carry, twelve and a half cents for any distance not exceeding one-fourth of a mile and twenty-five cents for any distance exceeding one-fourth of a mile; and no public porter shall demand or exact any greater sums than are herein permitted.

8. DISORDERLY LANGUAGE AND CONDUCT.] No porter or runner shall, at any time or place, when engaged in his employment, make any unusual noise or disturbance, or make use of profane, obscene or boisterous language, or use any language or be guilty of any act calculated to disturb the public peace or the good order of the city, or harass, vex or disturb strangers or citizens.

9. POLICE TO REGULATE.] Any member of the police force shall have power to arrest and commit any porter or runner for examination, who shall be engaged in the commission of any act prohibited by this chapter. They shall also have power to give any directions which may be required for the preservation of the peace, or the convenience of the public at any railroad termination, steamboat or other public landings, and no person shall refuse to obey any such directions, or shall resist such officer in the discharge of any duty.

10. PENALTY.] Any persons who shall violate any section, or any clause or provision of any section of this chapter, or shall fail to perform any act or thing required hereby, shall, on conviction, be fined in a sum of money not less than five dollars nor more than one hundred dollars, and may be imprisoned in the house of correction for the space of ninety days at hard labor, or both, in the discretion of the court before whom such conviction shall be had; and if committed by any such licensed porter or runner herein provided for, his license may be revoked, in the discretion of the mayor.

CHAPTER 40.

POUNDS.

SECTION.

1. Pounds to be constructed and keepers to be appointed.
2. Pound limits defined.
3. Penalty for permitting animals to run at large.
4. Duty of pound-keeper—Penalty for neglect.
5. Animals to be taken up—Registration of.
6. Pound charge.
7. Redemption of animals—Cost of.
8. Proceeding to judgment against impounded animals.
9. Proceeding against unknown owners.
10. The justice's docket.
11. Jury trial provided for.
12. Form of order of justice.

SECTION.

13. Form of pound-keeper's notice.
14. Who may not purchase at sale—Penalty.
15. Penalty for breaking pound.
16. Penalty for obstructing persons obeying law.
17. Pound-keeper's report—Register to be kept.
18. Owner to receive surplus proceeds.
19. Pound-keeper's bond.
20. Wrongful impounding of animals—Penalty.
21. Monthly statement of pound accounts.
22. Pound-keeper's salary.
23. Appointment and term of office of keeper.
24. Power to remove pound-keeper.

1. POUNDS TO BE CONSTRUCTED—POUND-KEEPERS TO BE APPOINTED. *Ord. May 26, 1871.* The board of public works are hereby directed to construct in each of the three (3)—(North, South and West)—divisions of the city, one good and suitable pound, to be placed under the care and direction of a pound-keeper, for each division of said city to be appointed in accordance with the provisions of section sixteen of chapter two of the charter of 1863.

2. POUND LIMITS DEFINED.] No cows, horses, swine, sheep, geese, or cattle of any kind, shall be permitted to run at large within the city or portion of the city of Chicago, bounded as follows: All that portion of the south division of said city lying north of Thirty-ninth street and east of Clark street, and all that portion of the south division lying north of Twentieth street, and all the north division of said city, and all that portion of the west division bounded as follows, to-wit: On the north by West Lake street, on the west by Western avenue, on the south by West Harrison street, and on the east by the Chicago river.

3. ANIMALS AT LARGE—PENALTY.] Any owner or owners of any animal or animals who shall permit the same to run at large, contrary to the provisions of the last section, shall forfeit and pay a penalty of three dollars for each animal so permitted to run at large, together with the costs of impounding and the expense of sustenance for such animal or animals, impounded, as hereinafter provided.

4. DUTY OF POUND-KEEPER—NEGLECT —PENALTY.] It shall be the duty of each and every pound-keeper in said city to take up and impound any such animal or animals known to him to be running at large in any of the division of said city above described, in which the pound kept by him is situated; and for each neglect or refusal to do so, he shall forfeit and pay a penalty of five dollars.

5. ANIMALS TO BE TAKEN UP—REGISTRATION.] It shall be lawful for any person over eighteen years of age to take up any such animal or animals running at large contrary to the provisions of section two of this chapter, and take the same to the pound in the division of said city where such animal or animals may be taken up, and for so doing he shall receive from the treasurer of said city, when collected, an impounding fee of fifty cents for each animal so taken up and impounded by him. And it shall be the duty of the pound-keeper to enter upon his books forthwith the name and residence of the person so taking any such animal to the pound.

6. POUND CHARGE.] There shall be charged for each animal impounded an impounding fee of fifty cents, and also fifty cents for each day or part of a day for providing sustenance for each animal impounded.

7. REDEMPTION OF ANIMALS—COSTS, ETC.] At any time before the sale of any animal or animals impounded the owner or owners thereof may redeem the same, by paying to the pound-keeper the penalty prescribed in section three of this chapter, together with the impounding fee and costs of sustenance as prescribed in the last section, and in case proceedings shall have been instituted before a judicial officer, the cost of such proceedings, and the amount of the judgment, if judgment shall have been recovered under this chapter, together with subsequently accrued costs of sustenance, shall be the redemption money to be paid.

8. PROCEEDING AGAINST IMPOUNDED ANIMALS — JUDGMENT.] When any animal or animals shall be impounded, as aforesaid, it shall be the duty of the keeper of the pound where the same is impounded, forthwith to make complaint before the police magistrate, or some justice of the peace of the said city, against the owner or owners of such animals, if known, and thereupon a warrant shall be issued, and upon the return thereof executed, or the defendant having appeared, it shall be the duty of the justice or police magistrate to inquire whether the defendant has been guilty of a violation of this ordinance; and, if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee, and cost of sustenance herein prescribed, and the costs of suit, and an order shall be entered that the animal or animals shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal or animals, and state the time and place of impounding.

9. PROCEEDING AGAINST UNKNOWN OWNER.] When the owner of any animal impounded shall be unknown, it shall be the duty of the pound-keeper, when the same shall be impounded, to make complaint, as provided in the last section, against the unknown owner of such animal, describing the same, and thereupon the officer before whom such complaint shall be made, shall issue a notice in substance as follows, to-wit:

POUND NOTICE.

Whereas, complaint has this day been made before me, that the unknown owner of the following described animals, to-wit:—— impounded at —— on the —— day of —— A. D. 18——, has permitted the same to run at large, contrary to the provisions of an ordinance entitled “An ordinance to prohibit the running at large of certain animals therein mentioned, within the limits mentioned.”

Now, therefore, notice is hereby given that a trial will be had upon the said complaint, at my office, in the city of Chicago, on the —— day of ——, A. D. 18——, at the hour of ——m.,

when and where the unknown owner may appear and defend, if he see fit so to do. Witness my hand and official seal, this — day of —, A. D. 18—.

—, J. P., or P. M. [L.s.]

The day named in said notice for trial shall not be less than five nor more than ten days from the time of issuing the same, and it shall be the duty of the pound-keeper making the complaint, forthwith, to post three copies of said notice, one at the pound where the animal is impounded, one at the office of the justice or police magistrate issuing the same, and one on the court house door in said city and to return the said notice, with the time and manner of said posting.

10. JUSTICE'S DOCKET.] The justice or police magistrate issuing said notice shall enter the cause upon his docket, as follows, to-wit: The City of Chicago vs. The Unknown Owner of [here specify the animals]. And upon the return of the notice prescribed in the last section, like proceedings shall be had as in the case of personal service or appearance.

11. JURY TRIAL.] In all trials for violation of this ordinance, the accused shall have the right of trial by jury, and in proceedings against unknown owners, the trial must be by jury.

12. JUSTICE'S ORDER—FORM.] Upon the rendition of any judgment, as provided in section eight of this chapter, the justice of the peace or police magistrate rendering the same shall issue to the keeper of the pound where the animal or animals are impounded, an order which shall be in the following form as nearly as may be:

The People of the State of Illinois, To — —, Pound-keeper:

We command you, that of the following described goods and chattels, to-wit: — —, the property of — —, you make the sum of — dollars and — cents debt, and — dollars and — cents costs, which the city of Chicago lately recovered before me, against the said — —, and hereof make due return.

Given under my hand and seal, this the — day of —, A. D. 187—.

—, J. P. or P. M. [L. s.]

13. POUND-KEEPERS NOTICE—FORM.] Upon the receipt of such order, the pound-keeper shall immediately post three notices, in like places as provided in section nine of this chapter, in substance as follows:

POUND NOTICE.

Taken up and impounded in the city pound of the — division of the city of Chicago, —, the following described animals: — — which, unless redeemed, will be sold at public auction, for cash to the highest bidder, at said pound, at the hour of — o'clock, in the forenoon, on the — day of —, 18—.

—, Pound-keeper.

The day of sale mentioned in said notice shall be the third day after posting the same, exclusive of Sundays, holidays and election days, and if said animal or animals are not redeemed, the pound-keeper shall sell the same in accordance with said notice. It shall be the duty of the pound-keeper receiving such order, as is prescribed in section twelve of this chapter, to return the same, within twenty days from its date, to the office issuing the same, with an indorsement showing when and how the same was executed.

14. WHO MAY NOT PURCHASE—PENALTY.] No person shall purchase or be interested directly or indirectly in the purchase of, any animal taken up, impounded, or sold by him under the provisions of this ordinance, under a penalty of not less than twenty-five dollars nor more than one hundred dollars for each animal, and, if a pound-keeper, the forfeiture of his office.

15. BREAKING POUND—PENALTY.] If any person shall break open, or in any manner, directly or indirectly, aid or assist in, or counsel or advise the breaking open of any city pound, he shall forfeit and pay a penalty of twenty dollars.

16. OBSTRUCTING—PENALTY.] No person shall hinder, delay, or obstruct any person engaged in taking to any city pound any animal or animals liable to be impounded, under a penalty of not less than five dollars nor more than ten dollars for each animal so being taken.

17. POUND-KEEPER'S REPORT—MONEY RECEIVED—REGISTER.] Each and every pound-keeper of said city shall, by the end of each month, pay to the comptroller of the city all moneys received by him, over and above the necessary expenditures for the maintenance of the pound during the month, by virtue of his office of pound-keeper, and shall at the end of each month render to the comptroller of the city a full statement, on oath, of all the animals received into his pound during said month, describing the same, with the names of the owners, if known, the dates when received respectively, of the animals redeemed and the dates of redemption, of those sold and the times of sale, and of all moneys received by him during said month for the redemption or upon the sales of animals or otherwise as pound-keeper, and of all moneys expended by him in the maintenance of the pound, and shall attach to said statement receipts for all such moneys. Each pound-keeper shall also keep a record, in which he shall enter, from time to time as they occur, all matters required to be shown in such statements, and in which he shall cause to be written the receipts of owners of animals by them redeemed.

18. OWNER ENTITLED TO SURPLUS PROCEEDS.] When the proceeds of the sale of any animal or animals shall exceed the amount of judgment and costs, and the expense of sustenance which shall have accrued subsequently to the rendition of the judgment, and such excess shall have been paid to the comptroller, the owner or owners of such animal or animals shall be entitled to a warrant on the city treasurer for such excess, upon presenting to the city comptroller satisfactory evidence of his right thereto.

19. POUND-KEEPER'S BOND.] Each pound-keeper appointed under the provisions of this ordinance shall, before entering upon the duties of his office, execute a bond to the city of Chicago in the penal sum of five thousand dollars (\$5,000), to be approved by the common council, conditioned for the faithful performance of the duties of his office, and the payment to the city of all moneys coming into his hands under this ordinance, or any ordinance amendatory thereof.

20. WRONGFUL TAKING OF ANIMALS—PENALTY.] Any person who shall take or drive any such animal from any inclosed lot or tract of ground, or from any stable or other building, or from outside of any pound limits into the limits of any pound district, to any pound in said city, or with the intent that such animal may be impounded, shall be liable to a fine of not less than five nor more than twenty dollars for every animal so driven or taken from the place or places aforesaid.

21. POUND ACCOUNTS—MONTHLY STATEMENT.] It shall be the duty of every such pound-keeper to keep such books, and in such manner, as the city comptroller shall direct, which shall show, among other things, all the

receipts and expenditures of and for his pound; and the comptroller shall, at least once a month, audit and adjust the accounts of such pound-keeper.

22. POUND-KEEPER'S SALARY.] Every pound-keeper shall receive a salary of one hundred dollars per annum, payable monthly: *Provided, however,* that no payment shall be made to any such pound-keeper who shall be in default in complying with section seventeen of this ordinance. *And provided, further,* that no such pound-keeper shall receive any other compensation or perquisite except his said salary; but in case any member of the police force is appointed such pound-keeper, this proviso shall not be so construed as to affect his right to compensation or pay as such member of the police force.

23. APPOINTMENT OF POUND-KEEPERS—TERM OF OFFICE.] There shall be appointed by the mayor, by and with the advice and consent of the common council, one pound-keeper for each of the three divisions of the city of Chicago, to wit: One for the north division, one for the south division, and one for the west division of said city, and the term of office of such pound-keepers shall be for two years, and until their successors are appointed. And the police commissioners are hereby required to detail any members of the police force who may be appointed such pound-keepers, and a sufficient number of men, from the police force of the city, to take charge of the public pounds of the city and to properly enforce the pound ordinance thereof.

24. POWER TO REMOVE.] Every pound-keeper shall be subject to removal from office by the mayor of the city whenever he shall deem the interests of the city require such removal.

CHAPTER 41.

RAILROADS.

SECTION.

1. Rate of speed prescribed.
2. Penalty for staying on street crossings.
3. Proceeding when crossing obstructed.
4. Night lights to be used.
5. Streets not to be obstructed.
6. Use of whistle regulated.
7. Engine bell to be rung, when.
8. Sign boards to be displayed.
9. Railway companies to furnish copy of this chapter to engineers.

SECTION.

10. Escape of steam regulated.
11. Where flag-men and bell towers shall be stationed.
12. Penal clause.
13. Penalty for leaving cars on crossings—Limit described.
14. Molety of fine to informer.

1. LIMIT OF SPEED.] *Rev. Ord. 1866.* No locomotive engine, railroad passenger car, or freight car, shall be driven, propelled or run upon or along any railroad track within said city at a greater speed than the rate of six miles per hour.

2. STREET CROSSINGS—STAYING ON—PENALTY.] No railway company, railroad engineer, train conductor, or other person, shall cause or allow any

locomotive engine, car or cars, or train of cars, to stop in or remain upon any street and railroad crossing within said city, at which, by the provisions of this chapter, a flag-man is ordered to be stationed and kept, for a longer period than five minutes at any one time, nor upon any other street and railroad crossing in said city for a longer period than ten minutes: *Provided, however, that in case a collision should take place at any, or either of the crossings aforesaid, reasonable time shall be allowed to remove any obstruction that may be caused thereby.*

3. PROCEEDING WHEN CROSSING OBSTRUCTED.] Should any street and railroad crossing in said city be and remain occupied and obstructed, in whole or in part, by any train of railroad cars for and during the period of five minutes, it shall be the duty of each and every railroad company upon whose line of road such obstruction may occur, their agents or employes, on or before the expiration of said five minutes, when from any cause the entire train cannot be propelled or removed to any one side of any street occupied and obstructed as aforesaid, to cause such cars as may be on or near said crossing to be uncoupled, and some one division of the train, as thus made, removed from off the aforesaid street and railroad crossing in such manner as to leave said street entirely free and unobstructed, and said train, when again coupled, shall be removed forthwith from off any such crossing as aforesaid.

4. LIGHTS AT NIGHT.] Every locomotive engine, railroad car or train of cars running in the night time on any railroad track in said city, shall have and keep, while so running, a brilliant and conspicuous light on the forward end of such locomotive engine, car, or train of cars.

5. NOT TO OBSTRUCT STREETS.] No company, corporation or person shall be allowed to deposit or place in the street, any lumber or other material, nor shall they load or unload any car from the street, nor erect or maintain any switch-house, or other building, upon any street, highway, or alley within the city limits.

6. USE OF WHISTLE.] No railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the city, except necessary brake signals, and such as may be absolutely necessary to prevent injury to persons and to property other than their own and that in their possession as freight.

7. BELL TO BE RUNG.] The bell of each locomotive engine shall be rung continually while running within said city.

8. SIGNBOARDS TO BE DISPLAYED.] Each railroad company running on any railroad within said city, shall erect at the entrance of such railroad within the city, a signboard, having thereon the words, "stop speed," "ring the bell," legibly painted thereon, and keep the same so erected.

9. ENGINEERS, ETC., TO HAVE COPY OF CHAPTER.] Each superintendent of any railroad shall furnish each engineer and train conductor of any railroad running within the city a certified or printed copy of this chapter, and shall moreover furnish to any officer of said city applying therefor the name of any person in the employment of said railroad company who shall have been charged with having violated any of the provisions of this chapter.

10. ESCAPE OF STEAM PROHIBITED—PROVISO.] No railroad company

shall cause or allow the cylinder cock or cocks of any or either of their several locomotive engines to be opened so as to permit steam to escape therefrom at any time while running upon or along any railroad track laid in any street, or when the engine is in immediate proximity to any street or railroad crossing in said city: *Provided, however*, that when such engine shall be standing at such point in said city, and for three revolutions of the driving wheel after being put in motion, the said cocks may be opened for the purpose of allowing condensed steam to escape.

11. FLAG-MEN—WHERE TO BE STATIONED—BELL TOWERS.] *Ord. Mar. 27, 1871.* All railroad companies whose track or tracks cross or intersect any of the streets in the city of Chicago east of the west line of Western avenue, or north of the south line of Egan avenue, and also at all crossings of street or horse railways, shall station, keep and maintain at all times, at their own expense, at each and every of said street and railroad crossings, a flag-man, whose duty it shall be to signal persons traveling in the direction of any or either of the crossings and warn them of the approach of any locomotive engine, or any impending danger; and at each and all crossings of street or horse railways there shall be erected and kept and maintained at their own expense by the railroad company whose track such street or horse railway may cross or intersect, a bell tower not less than fifteen feet in height, and in which tower shall be placed a good and sufficient bell, similar to the bell used on the drawbridges over the Chicago river and its branches, which bell shall be rung by the flag-man, or person in charge of such crossing, to warn all persons in vehicles and street cars or other conveyances of the approach of any locomotive engine, train of cars, or other danger, and said bells shall be kept ringing until such locomotive engine or train of cars shall have passed over such crossing, and it shall be deemed safe for persons and street cars or other conveyances to pass or cross such railroad track.

12. PENALTY.] Any railroad company or railroad corporation who shall, of themselves, their agents or employes, violate or fail to observe any of the foregoing provisions of this chapter, or any agent or employe of any railroad company or railroad corporation, or other person, who shall violate or fail to observe the same, shall, for each violation or failure to observe the same, be fined in a sum not less than twenty-five dollars nor exceeding one hundred dollars, to be recovered in any court of competent jurisdiction.

13. EMPTY CARS ON CROSSINGS—PENALTY.] *Rev. Ord. 1866; amend. Apr. 27, 1871.* Any railroad company or railroad corporation who shall, by themselves, their agents or employes, or any agent or employe, or any agent or employe of any railroad company or railroad corporation who shall cause or allow any empty railroad car or cars to be detached from any locomotive engine and left to remain upon any street or sidewalk and railroad crossing within said city, east of the west line of Western avenue and north of the south line of Egan avenue, for a period longer than five minutes, shall be fined in the sum of ten dollars for each and every consecutive five minutes after the lapse of the first five minutes any such railroad car or cars detached as aforesaid shall be so permitted to remain on such street, sidewalk or railroad crossing.

14. MOIETY OF FINE TO INFORMER.] Any person or persons, excepting

members of the police department, who shall make complaint to the police justices of this city, or other proper authority, of the violation of any of the provisions of this chapter by any railroad company or railroad corporation, whether committed by themselves, their agents or employes, and upon whose evidence a final verdict shall have been obtained in favor of said city, from any court of competent jurisdiction before whom the case may be tried, shall be entitled to receive, in addition to the usual witness fees, one-half the fine imposed for each and every violation or failure to observe the same as aforesaid.

CHAPTER 42.

RIVER.

SECTION.

1. Dragging of anchor in, prohibited.
2. Tugs not to tow vessels dragging anchor.

SECTION.

3. Penalty.

1. DRAGGING ANCHOR PROHIBITED.] *Ord. August 23, 1869.* Hereafter all vessels, crafts, or floats navigating the Chicago river, or either of the branches thereof, or any of the slips on said river, or either of said branches, whether using steam or otherwise, are expressly prohibited from dragging their anchors in any part of the Chicago river, or either of its branches or slips.

2. TUGS NOT TO TOW SUCH VESSELS.] All tugs engaged in towing vessels or craft in the Chicago river, its branches, or slips connecting therewith, are hereby prohibited from towing any vessel or craft of any description while its anchor or anchors are dragging on the bottom of said river or any of its branches or slips.

3. PENALTY.] Any person or persons, having charge or control of any such vessel, craft, tug or float, who shall violate the provisions of this chapter, or any of the sections thereof, shall be liable to a fine of not less than fifty dollars nor exceeding one hundred dollars for each and every violation; and all such persons, as well as the owner or owners of such vessels, crafts, tugs, or floats, shall be liable for all damages accruing by reason of the violation of this chapter, or any of the sections or provisions thereof.

CHAPTER 43.

SCAVENGERS.

SECTION.

1. Board of health may employ and regulate.
2. Notice to house-keepers to have garbage ready for removal.
3. Penalty for neglect to conform.
4. Licensing of night scavengers—Bond—Fee.

SECTION.

5. Regulations for night scavengers.
6. Cleansing of privies, etc., by owners, regulated.
7. Charge authorized for removing loads.
8. Penal clause.
9. Offensive privy vaults—Duty of health officer.

1. BOARD OF HEALTH TO EMPLOY.] *Rev. Ord. 1866; act. Leg., Feb. 1865.* The board of health are hereby authorized to employ, from time to time, as many scavengers as they may deem necessary, upon such terms and with such appliances and conveyances as they may deem expedient, and to make, from time to time, such rules and regulations for the conduct of such scavengers as they may deem necessary.

2. NOTICE TO HAVE GARBAGE READY.] The board of health shall cause a printed notice to be left at each and every hotel, tavern, eating-house and dwelling house in the city, stating that a scavenger will call for offal, garbage, swill (and on improved streets ashes), at certain times mentioned in the notice, and requiring that such offal, garbage, swill (and, on improved streets, ashes), be ready in light tubs, or other suitable vessels, for the scavenger when he calls for the same. A copy of the third section of this chapter shall be appended to such notice.

3. PENALTY FOR NEGLECT OF NOTICE.] Any person who shall, after notice, neglect or refuse to have the offal, garbage or swill, upon his or her premises, ready for the scavenger in the manner and at the time mentioned in said notice, shall pay a penalty of five dollars for each and every day such offal, garbage or swill shall remain on such premises after the same has been called for by the scavenger.

4. NIGHT SCAVENGERS—LICENSE—BOND—FEE.] Any person or company who shall engage in the business of removing the contents of privy vaults within the city for hire or profit, shall be deemed night scavengers within the meaning hereof. No person or company shall exercise the calling of night scavengers within the city, without first obtaining a license in pursuance hereof. The mayor of said city is hereby authorized to license one or more night scavengers: *Provided*, the person applying therefor shall execute to the city of Chicago a bond, in the sum of five hundred dollars, with ample surety, to be approved by the mayor, conditioned that such night scavengers shall well and truly keep and perform all and every of the provisions and restrictions of this chapter: *And provided, further*, such night scavengers shall pay, for the use of the city, the sum of seventeen dollars, and no other fees. Such licenses shall expire on the expiration of one year from the date thereof.

5. REGULATIONS FOR NIGHT SCAVENGERS.] *Rev. Ord. 1866; amend, March 29, 1867.* Such night scavengers, so licensed, shall each provide himself with a team and wagon, with a covered water tight box, of the capacity of twenty-seven cubic feet, which said box, when filled, shall be deemed a load; upon each side of said wagon box shall be painted, in letters and figures, the name and the number of the license. It shall be the duty of the owner, driver or manager and each of them, of any night scavenger wagon, always to keep upon each side of such night scavenger wagon, in the night time, a lighted lamp with plain glass front and sides, with the number of the license of such wagon painted with black paint on the sides and front of each of said lamps, in distinct and legible figures at least two inches in size and so placed that said lamps may be distinctly seen and said numbers easily read. It shall be the right and duty of such night scavengers, so licensed, when requested by any owner, agent or occupant of any privy within the city, to clean and remove the contents of the vaults thereof, and to deposit and bury the same at least three feet below the surface of the earth, at such place or places as shall be designated by the written permit of the health officer of said city: *Provided*, no such privy vault shall be opened, nor the contents thereof disturbed, or removed, between the hours of six o'clock a. m. and ten o'clock p. m. of any day, nor shall such contents be deposited or buried within the city, except upon the special permission of the board of health of said city, and in such manner and places as shall be by them directed: *And provided, further*, that if any night scavenger shall not bury said contents, as above provided, and cover the same so as to prevent any smell arising therefrom, his license shall immediately be forfeited and annulled. Any owner, driver or manager of any such night scavenger wagon who shall violate any provision of this section, shall be fined not less than twenty-five nor more than one hundred dollars for each and every offense.

6. OWNERS, ETC., CLEANING PRIVIES.] Owners, occupants or agents of privy vaults within the city desiring to clean and remove the contents thereof themselves, without the aid of night scavengers as aforesaid, shall not be allowed to do so except upon the written permission of the health officer of said city and then only in such manner as he in said permit shall direct: *Provided*, such health officer shall in no case permit any privy vault to be opened or the contents removed, within the hours mentioned in the preceding section; nor shall he allow any deposit of such contents to be buried less than three feet deep, nor within the city, unless the board of health shall first, by resolution authorize him so to do: *Provided*, no delay or refusal of such health officer to grant such permit, or of such board of health to pass such resolution shall be excuse or justification to any party for not cleaning any privy vault when directed so to do by the proper officer.

7. CHARGES AUTHORIZED.] Such night scavengers, so as aforesaid licensed, shall be allowed to charge and receive for each load so by them taken, removed and buried, a sum not exceeding five dollars: *Provided*, such scavenger, having undertaken such work, shall speedily and without delay complete the same, in all cases leaving the privy in as good condition upon the vault as when the work was undertaken.

8. PENALTIES.] Any person without license as aforesaid, who shall engage in business as night scavenger, or who shall undertake to remove any contents of any privy vault within the city without license or permit, as aforesaid, shall, on conviction thereof, pay a fine of not less than ten dollars nor more than fifty dollars for each offense; and any night scavenger so as aforesaid licensed, or owner, agent or occupant so as aforesaid acting under permit as aforesaid, who shall violate any provision or section, or clause of any provision or section of this chapter shall, on conviction thereof, pay a fine of not less than five dollars nor more than one hundred dollars, according to the nature of such violation, and shall, at the discretion of the mayor of the city of Chicago, forfeit his license.

9. OFFENSIVE PRIVY VAULT—DUTY OF HEALTH OFFICER—PENALTY.] Whenever in the opinion of the health officer any privy vault shall be offensive and need cleaning, it shall be his duty to notify the owner, agent or occupant to cleanse the same within a period named in said notice; also, together with said notice to serve a printed copy of this chapter. Unless the person so notified shall comply within the time mentioned, it shall be the duty of said officer to cause said vault to be cleaned by one or more of the city scavengers aforesaid, and such person so failing to comply with said notice shall, on conviction, be fined in a sum not less than twenty dollars nor more than one hundred dollars: *Provided*, that nothing in this section contained shall discharge the owner, agent or occupant of the premises from any liability otherwise provided, to pay all the expenses of such cleaning. In case no owner or agent can be found in the city, such officers shall cause such offensive vault to be cleaned, and in either case the expenses shall be collected as in other cases of the removal or abatement of nuisances.

CHAPTER 44.

SCHOOLS.

SECTION.

1. School terms prescribed.
2. High school to be controlled by board of education.
3. To be free.
4. What pupils may be admitted.
5. Normal department established—Graduates for teachers.

SECTION.

6. Graduation term prescribed.
7. Appropriation of donations and bequests.
8. Appropriation of unexpended balances.
9. Manner of disbursement of school tax fund.
10. Cleansing of schools, by what labor.

1. SCHOOL TERMS.] *Rev. Ord. 1866; amend. act Leg. May 9, 1867.* The terms of the district schools shall commence on the first Monday of September, the second day of January, and the Monday after the first Friday of May, and close on the twenty-fourth day of December, two weeks before the first Friday of May, and on the first Friday of July: *Provided*, that when the second day of January occurs later than Wednesday, then the schools

shall not commence till the following Monday, and when the fourth day of July occurs later than Wednesday, the schools shall close on the third day of July. The schools shall be continued five days in each week, at and during such hours, both forenoon and afternoon, as the board of education shall direct.

2. HIGH SCHOOL.] The board of education shall have the same control of the high school established for the improvement of the system of public schools now existing in this city that it has of the other public schools, and it shall be the duty of the board to employ a principal and such other teachers as they may deem necessary and expedient, and prescribe rules for the discipline and instruction of the school, what studies shall be pursued and what books and apparatus shall be used.

3. HIGH SCHOOL TO BE FREE.] Free instruction shall be given to all pupils who may attend said high school, subject to the rules and regulations prescribed by the board of education.

4. WHO ELIGIBLE TO HIGH SCHOOL.] Pupils shall not be admitted to the general department of said high school until they are thirteen years of age, nor to the normal department until sixteen years of age, and shall have sustained an examination upon those studies pursued in the district schools, to the approval of the superintendent of public schools and a committee to be appointed by the board of education.

5. NORMAL DEPARTMENT—GRADUATES.] There shall be a department in the high school expressly for the qualification of female teachers, which shall be styled the "normal department." Graduates of this department shall have preference, other things being equal, in the appointment of teachers for the district schools.

6. GRADUATION, WHEN.] The term of attendance upon the high school necessary for graduation shall be, in the normal department two years; general and classical department, four years.

7. APPROPRIATION OF DONATIONS.] The donation of one thousand dollars and the bequest of ten thousand dollars made by Flavel Moseley, accepted and denominated "the Moseley public school fund," and the donation of one thousand dollars made by John H. Foster, accepted and denominated "the Foster medal fund," and the donation of one thousand dollars made by William Jones, accepted and denominated "the Jones fund for the benefit of the Jones school," and the donation of one thousand dollars made by Walter L. Newberry, accepted and denominated "the Newberry fund for the benefit of the Newberry school," together with any donations that have been or may be made thereto, shall constitute a part of the school fund of the city, and shall be loaned upon the same terms and at the same rate of interest as other school funds are loaned: *Provided*, that a separate account shall be kept with said funds, and they shall be disbursed according to the provisions established by said donors respectively, under the direction of the board of education, upon whose order only the school agent shall be authorized to pay out said funds.

8. APPROPRIATION OF UNEXPENDED BALANCES.] In case any part of the interest arising from the loan of said funds be unexpended at the close of any municipal year, the same may be added to the principal or expended in the purchase of books for the libraries of the public schools and philosoph-

ical and mathematical apparatus for the use of such schools, unless contrary to the provisions established by the donors, in the discretion of said board of education, and no other appropriation of such funds shall ever be made, except by order of the common council and board of education, and with the written consent of the donor or donors, or their legal representatives, which consent shall be placed upon file in the clerk's office.

9. SCHOOL TAX FUND—HOW DISBURSED.] The comptroller shall pay no money out of the school tax fund, for improvements or repairs to any school premises, unless such improvements or repairs were previously ordered by him, upon the certificate of the board of education that such improvement or repairs were necessary, nor unless the board of education shall subsequently approve the bills, nor shall he pay out of that fund any money for supplies of any kind, unless he shall have purchased them subsequent to certificate of the board that such supplies were necessary, nor unless the board shall approve of the bills after his purchase.

10. CLEANSING OF SCHOOLS—LABOR, ETC.] Such labor as may be required in cleansing school houses, or for other purposes for the public schools as can be supplied from the house of correction, shall be so supplied and paid for out of the school tax fund to the credit of the house of correction, at reasonable price to be fixed by the board of inspectors of the house of correction, or in default of their so doing, by the comptroller.

CHAPTER 45.

SCHOOL LANDS.

SECTION.

1. Appraisement of school lands—Manner of.
2. A quorum of appraisers defined.
3. Their detailed report.

SECTION.

4. When report to be acted on.
5. Who disqualified to act as appraiser.

1. APPRAISEMENT OF.] *Ord. March 14, 1870.* Whenever the common council of the city of Chicago shall appoint appraisers of school or city lands, the persons so appointed shall hold a public meeting in the office of the board of education; notice thereof shall be given in the local columns of three of the daily newspapers of the city, including the newspapers for the corporation, at least once a week before the time of said meeting. Said notice shall contain a full and accurate description of the property to be appraised. Said description shall give the streets upon which said property is located. Said appraisers shall, after hearing any and all parties interested therein, proceed to appraise the lands described in the notice aforesaid, at their true cash value.

2. QUORUM OF APPRAISERS.] No business shall be transacted at any meeting unless all the appraisers appointed by the council are present.

3. APPRAISERS' REPORT.] Such appraisers shall make a detailed report of their action to the city clerk, who shall lay the same before the common council at its next regular meeting; said council shall cause the same to be published.

4. APPRAISERS' REPORT.] In all appraisements of school or city property hereafter made, it shall be provided that the appraisers, therein provided for, shall make a detailed report of their action to the city clerk, who shall lay the same before the common council at its next regular meeting; said common council shall cause the same to be published, and only acted upon at a subsequent meeting, and no appraisal shall be regarded as final and complete until approved by a majority of said council.

5. WHO DISQUALIFIED AS APPRAISERS.] No person, directly or indirectly, interested in any lease of school or city property, shall serve as an appraiser.

CHAPTER 46.

SEAL.

SECTION 1. The seal of Chicago described.

1. SEAL DESCRIBED.] *Rev. Ord. 1866.* The seal heretofore provided and used by and for the city of Chicago (the impression on which is a representation of a shield, with a sheaf of wheat in the centre, a ship in full sail on the right, a sleeping infant on the top, an Indian with bow and arrow on the left, and with the motto, "Urbs in Horto," at the bottom of the shield; with the inscription, "City of Chicago: Incorporated 4th March, 1837," around the outer edge of said seal; which seal, represented as aforesaid, is hereunto annexed), shall be, and is hereby established, and declared to have been, and now to be, the seal of the city of Chicago.



CHAPTER 47.

SEWERS AND DRAINS.

SECTION.

1. Opening of streets prohibited unless upon notice.
2. Excavations not to be made without permit.
3. Connections not to be made without permit.
4. Penalty for making changes in drains, etc., without permit.

SECTION.

5. Board of public works to supervise.
6. Deposit of garbage to obstruct drains—Penalty.
7. Right of entry upon premises.
8. Penalty for injuring sewer.

1. NOTICE OF OPENING SEWERS—PENALTY.] *Rev. Ord. 1866.* The board of public works and the Chicago gas light and coke company, as to the south and north divisions of the city of Chicago, and the board of public works and the People's gas light and coke company, as to the west division of the city of Chicago, shall not lay down any pipes, sewer or drain in any of the streets, alleys, lanes or public ways of this city without giving to each other written notice of at least ten days prior to the commencement of such work, of their intention to lay down such pipe, sewer or drain, together with either an accurate plan or clear description of the same; and it shall be the duty of the parties receiving such notice to acknowledge the same in writing forthwith. In case any damages or expense shall be caused in consequence of a default or neglect to give such notice, such damage or expense shall be paid by the party so in default. In all cases of repairs or alterations by either of the said parties, by which repairs or alterations any pipe, sewer or drain belonging to or under the charge or supervision of either of said parties, shall be uncovered, undermined, or in any way exposed to injury, the party making such repairs or alterations shall give immediate notice of the same to the party in charge of such pipe, sewer or drain, as may be affected thereby; and any party failing to give such notice shall be liable for all injuries, damages and repairs resulting from such want of notice.

2. EXCAVATING WITHOUT CONSENT—PENALTY.] Any person who shall uncover or excavate under or around the brick or pipe sewers laid in this city, for any purpose whatever, without the written consent of said board, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars; the person or persons by whom the work is done, and their employers shall be deemed guilty of a violation of this section.

3. UNAUTHORIZED CONNECTIONS—PENALTY.] Any person who shall make any connection with, or opening into, the brick or pipe sewers laid in this city, without having first obtained a written permit in each case from the said board, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars for each offense, which fine shall be recoverable against the owners of the property in which such drain is made or against the person

persons making the same or causing the same to be made, or their employers.

4. UNLICENSED CHANGES—PENALTY.] Any person who shall lay, alter or disturb any part of a house drain or drains, catch basin or strainer of said drain or drains, cess-pool or water closet, connected with any brick or pipe sewer belonging to said city, without being duly licensed to perform the same by said board, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars for each offense, which shall be recoverable against the person or persons performing the work, or their employers.

5. BOARD OF PUBLIC WORKS TO SUPERVISE—PENALTY.] It shall be the duty of any person or persons constructing or using any private drain, sewer, cess-pool, water closet pipe, or other pipe connecting with or emptying into any brick or pipe drain or sewer belonging to said city, to construct and use the same strictly in conformity with the orders and directions of the board of public works, which orders and directions shall be given in writing for such purpose; and any person who shall construct or use, or cause to be constructed or used, any such drain, sewer, cess-pool or water closet pipe in a different manner from that so ordered and directed by said board, or in violation of the orders of said board, shall be subject to a fine not exceeding fifty dollars, which shall be recoverable against the person or persons so constructing or using the said sewer, drain or pipe, or their employers, and the owner of the lot or lots, or premises, in which said work is constructed or used, shall be deemed and considered as authorizing such construction or use, and liable to such penalty.

6. DEPOSIT OF GARBAGE, ETC.—PENALTY.] Any owner or occupant of premises who shall deposit or cause to be deposited any substance, such as garbage, grease, rags, sand, earth or such other substances as said board may find it necessary to exclude in any of said sewers, pipes or house drains, gullies or catch basins connected with said sewers, or allow any such substance to flow into the same, in such manner as to obstruct or tend to obstruct the same, shall be liable to a penalty of not less than five dollars and not exceeding fifty dollars for each offense, and shall be liable for all expense incurred on account of removing said obstructions.

7. RIGHT OF ENTRY IN BOARD—PENALTY.] The said board and their authorized agents shall have free and unobstructed access to any part of the premises where house drains, cess-pools, or water closets, connected with or draining into said sewers, are laid for the purpose of examining the construction, condition and usage of the same, and making necessary alterations or repairs, at any time of the day between the hours of seven o'clock a. m. and six o'clock p. m.; and any owner, occupant, or other person on refusing to allow any officer or agent of said board access to any premises for such purposes, shall be liable to a fine of not less than five dollars nor exceeding fifty dollars.

8. INJURY TO SEWERS, ETC.—PENALTY.] Any person who shall wilfully or maliciously damage, injure or obstruct any sewer or house drain, cess-pool or water closet pipe, laid or constructed under the direction of the said board, shall be liable to a penalty of not less than ten dollars nor exceeding one hundred dollars, and to imprisonment not exceeding ninety days, and to pay all expenses incurred on account of repairs and damages arising from the same.

CHAPTER 48.

SHOWS.

SECTION.

1. Shows and amusements to be licensed.
2. License to be granted by mayor.
3. Licenses subject to ordinances.

SECTION.

4. Penalty for violations.
5. Restrictions and conditions of licenses.
6. Penalty for unlicensed exhibitions.

1. LICENSE REQUIRED—PROVISO.] It shall not be lawful for any person or persons to own, conduct or manage, for gain, within the city, any theater, circus, caravan or other exhibition, show or amusement, or exhibit any natural or artificial curiosities, or panoramic or other show or device of any kind, or give any concert or musical entertainment, without a license: *Provided*, that for musical parties or concerts, and exhibitions of paintings or statuary, given or made by the citizens of this city, no license shall be required.

2. LICENSE, HOW GRANTED.] Licenses shall be granted by the mayor, as hereinafter provided, upon application therefor, made under the provisions hereof, for any of the purposes aforesaid, upon the payment into the treasury of such sum of money as the mayor shall determine in each particular case, but not less than five dollars shall be fixed in any case.

3. LICENSES SUBJECT TO ORDINANCES.] All licenses issued under the provisions of this chapter shall specify the object and length of time for which the same shall have been respectively granted. The clerk shall register every license so issued in the license register. Licenses granted under the provisions hereof, shall at all times be subject to the ordinances of the city existing when the same shall be issued or subsequently passed so far as the same shall apply. It shall be the duty of the person licensed to keep good order about his place of exhibition or amusement, and for that purpose to keep at his own expense sufficient police force.

4. PENALTY.] If any person shall violate, or aid or assist in the violation of any of the foregoing provisions, or neglect or refuse to conform thereto, he shall be subject to a fine of not less than thirty dollars and not exceeding one hundred dollars for every violation, and to a revocation of his license at the pleasure of the council.

5. RESTRICTIONS OF LICENSE — GAMBLING, ETC. — PENALTY.] All licenses granted by the mayor of the city of Chicago, for exhibitions, musical entertainments, circuses, theatrical performances, panoramas, and all other shows and exhibitions where license is required, shall contain a proviso that no gaming, raffle, lottery or chance gift distribution of money or articles of value shall be connected therewith or allowed by the person obtaining said license, or in anywise permitted, or held out as an inducement to visitors; and when any person or persons shall be charged by a credible person with

having violated the provision of his or her license, as aforesaid, the mayor of the city is directed to give the parties accused reasonable notice thereof, and inquire into the truth of said charge; and if the accusation be sustained he shall declare the license of said person or persons forfeited, and revoke the same. And any person or persons, whether licensed or unlicensed, getting up, carrying on, or permitting in any place occupied by them, any gambling, raffle, lottery, or chance gift distribution, shall, on conviction, be fined not less than fifty dollars nor more than one hundred dollars.

6. UNLICENSED EXHIBITIONS—PENALTY.] No person or persons shall be allowed to give concerts and exhibitions of any kind, in any licensed saloon or grocery, or in any place the entrance of which shall be through a saloon or grocery, within the city of Chicago, and any person or persons violating the provisions of this section shall be fined in a sum not less than five dollars, nor exceeding fifty dollars, and shall have his or her license revoked, in the discretion of the mayor.

CHAPTER 49.

SIDEWALKS.

SECTION.

1. How sidewalks shall be built—Width.
2. Grades of, how to be established—Penalty.
3. When change of grade or repairs to be made—Penalty.
4. Porches, etc., cellar doors, etc., how to be built—Penalty.
5. Signs and awning posts regulated—Penalty.
6. Covering for and elevation of awnings.
7. Space allowed for exhibition of goods.

SECTION.

8. Penalty for obstructing sidewalks.
9. Auctions on sidewalks prohibited—Penalty.
10. Penalty for hitching horse so as to obstruct.
11. Hitching rings to be provided—Penalty.
12. Penalty for driving on sidewalks.
13. Penalty for obstructing by vehicles.
14. Removal of snow and ice required—Penalty.
15. Removal of obstructions from sidewalks.
16. Curbstones set to be backed.

1. HOW TO BE BUILT—WIDTHS.] *Rev. Ord. 1866; amends. Ords. Oct. 4, 1866; March 11, 1872.* All sidewalks which may be ordered by the common council, shall be constructed under the superintendence, and to the satisfaction of the board of public works, and shall be of the width herein specified, unless a different width shall be specified in the order, to wit: on all streets which are one hundred feet wide and upward, twenty feet; on streets eighty feet and upward in width, sixteen feet; on streets sixty-six feet and under eighty feet in width, fourteen feet; on streets fifty feet and under sixty-six feet in width, ten feet; and on streets less than fifty feet in width, seven feet. When built of full width, a substantial curbing of stone, or white oak plank not less than three inches in thickness, well tied in, shall be laid on the outer edge of the sidewalk.

2. GRADES, HOW ESTABLISHED—PENALTY.] *Rev. Ord. 1866.* The grade for sidewalks shall be given in the several divisions, by the board of public works, until a permanent grade shall be established by the common

council. If any person shall build or assist in building any sidewalk where no grade has been established, without first obtaining a grade therefor from the board of public works or contrary to any grade which may be obtained from said board, or shall build or assist in building any sidewalk contrary to any grade which may be established by the common council, or contrary to any of the provisions of this chapter, he shall, in either case, be subject to a penalty of ten dollars for every offense, and to a like penalty for every day he shall fail to remove or reconstruct the same after notice by the board of public works to move or reconstruct the same.

3. CHANGE OF GRADE AND REPAIRS—PENALTY.] *Rev. Ord. 1866; amend. act Leg. March 9, 1867; Ord. Dec. 4, 1865.* Whenever the owner or occupant of real estate in said city shall be required and notified by the board of public works pursuant to the provisions of section eight of chapter two of an act supplementary to "an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same," etc., approved March 9, 1867, to raise, lower, repair or relay any sidewalk, or to raise, lower, repair or cleanse any private drain in front of, adjacent to, or upon any premises owned or occupied by him, it shall be the duty of such owner or occupant to cause the said improvement to be made in the manner and within the time prescribed by said board. If any such owner or occupant shall neglect or refuse to comply with any such requirement, he shall be subject to a penalty of not less than one dollar nor more than ten dollars for each day's neglect.

4. PORCHES, ETC.—LINE OF CELLAR DOORS, ETC.—PENALTY.] *Rev. Ord. 1866; Ord. Mar. 11, 1872.* No porch, gallery, stoop, steps, cellar door, stair railing or platform, erected or to be erected within the city, shall be allowed to extend into or upon any sidewalk, where the street is less than eighty feet in width, more than four feet; nor more than five feet where the street is eighty feet and upward in width; on all streets which are one hundred feet wide and upward, the portion of sidewalk next to the lot line to be occupied for balconies, steps, cellar doors, stairs, railings and platforms shall not, in any case, exceed six feet in width. No bow window or other window shall extend into any sidewalk more than fourteen inches, nor shall any cellar door rise or project above the surface of the sidewalk more than one inch at the outer side, nor more than three inches near the store or other building, nor shall the hinges thereof, or any other thing connected therewith, project or rise above the door, nor shall any staple, lock or other fastening be placed on the upper side thereof, under a penalty of five dollars for each offense, to every person violating any provision of this section, and a like penalty for every day such violation shall continue after the lapse of three days after notice from the board of public works to remove the same.

5. SIGNS AND AWNING POSTS PROHIBITED, WHERE—PENALTY.] No sign or other post, except awning posts, as hereinafter provided, shall be erected or placed, or if heretofore erected or placed, shall be permitted to remain in or upon any sidewalk or street, or other public way, under a penalty of five dollars, and a like penalty for every day such post shall be allowed to remain after notice to the owner or occupant of the premises from the board of public works to remove the same. But nothing herein contained shall prevent

the erection of one, and not to exceed two, posts in front of each building for the purpose of hitching horses. Every such post so erected shall, if of wood, be not less than four inches in diameter, and not to exceed four feet in height, and placed on a line within the outer edge or curb of the sidewalk.

6. COVERING AND ELEVATION OF AWNINGS.] *Rev. Ord.* 1866; *act. Leg. Feb. 13, 1863.* All awnings in such portions of the streets of the city of Chicago as are, or hereafter may be, lighted by public lamps, shall be covered with cloth, leather or other light and pliable substance, and securely attached to the building and properly supported, without post, by iron or other metallic fastenings and supports, and shall be elevated at least eight feet at the lowest part thereof above the top of the sidewalk, and shall not project over the sidewalk to exceed three-fourths of the width thereof, so as to leave the sidewalk wholly unobstructed thereby, and no such awning shall be erected or repaired, either wholly or in part of wood. All other awnings shall be elevated, in the lowest part thereof, at least eight feet above the top of the sidewalk, and may be supported by a rail placed on posts erected on the outer edge of the sidewalk. Any person who shall erect any awning contrary to the provisions hereof, or refuse or neglect forthwith to remove any awning or awning posts, heretofore or hereafter erected, contrary to the provisions hereof, shall be subject to a penalty of five dollars for every offense, and to a further penalty of five dollars for every day he shall fail to comply with a notice, after a lapse of three days from the service thereof, from the board of public works or board of police to remove the same.

7. SPACE FOR EXHIBITION OF GOODS, ETC.—PENALTY.] *Rev. Ord.* 1866. No clothing, goods, merchandise, wares, signs, boxes, or other article or thing shall be placed in the front of any store, shop, or other place in said city, on or above the sidewalk, or in or upon any alley, so as to occupy more than three feet next to the buildings or premises on such sidewalk or alley, or of the space above the sidewalk or alley; and such articles or things as may be placed on the sidewalk shall not be more than three feet high above the top of the sidewalk, and the articles or things that may be hung out or placed above the sidewalk shall be so placed or hung that the lowest part of such articles or thing shall be at least seven feet and six inches above the top of the sidewalk, and shall not swing more than three feet from the building. No such article or thing shall be permitted to remain on any sidewalk or alley after ten o'clock at night, or on Sunday; nor shall any owner or occupant of any lot or premises lease the space aforesaid, or permit or allow the same to be used or occupied: *Provided*, that the occupants of buildings on streets where the sidewalks are sixteen feet or more in width, be permitted to occupy five feet next the line of buildings, and on streets where the sidewalks are twelve feet and less than sixteen feet in width, such occupants be permitted to occupy four feet next the line of buildings, at all times, for the display or storage of goods, so placed as to be not more than five feet above the level of the sidewalk. Any person violating the provisions of this section shall suffer a penalty of five dollars for each offense and a like penalty for every forty-eight hours the same shall remain, after being requested to remove the same by any city officer. *And provided, further*, that all persons who are or may hereafter be licensed by the mayor of said city to peddle fruit,

nuts, cakes, candies, refreshments and bread, may, and they are hereby authorized to, occupy in the carrying on of their said business, so much of the sidewalk adjoining any building or lot as by this chapter of the Revised Ordinances of said city, the occupants of buildings are permitted to occupy for the display or storage of goods: *Provided*, that the consent of the occupant of such building or lot be first had and obtained by the person desiring to occupy such space. But nothing herein contained shall authorize any person to obstruct any portion of any sidewalk which is used for ordinary travel over the same.

8. OBSTRUCTING, BY DELIVERY OF GOODS—PENALTY.] No person or persons receiving or delivering goods, wares or merchandise in said city, shall place or keep upon, or suffer to be placed or kept upon any side walk in said city, any goods, wares or merchandise which he or they may be receiving or delivering, without leaving a passage way clear upon such sidewalk, where such goods may be of six feet wide, for the use of foot passengers; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk (subject, nevertheless, to the foregoing restrictions), for a longer period than twenty-four hours, and any person or persons violating any of the provisions of this section, shall forfeit and pay to said city a sum of not less than three dollars or more than ten dollars, and shall be subject to a like penalty for each hour the said goods or any part thereof, shall remain, as aforesaid, after notice to remove the same: *Provided*, that the board of public works is hereby authorized to grant permits to owners of manufacturing establishments, to occupy the outer edge of the sidewalk and space over the gutter fronting their premises, for the placing thereon such articles and things as may be necessary in their business: *Provided*, there shall always be a space of at least eight feet wide left free and clear along the centre of such sidewalk, and that such permit shall terminate absolutely upon notice from the board of public works or common council.

9. AUCTIONS, ETC. PROHIBITED—PENALTY.] Any person or persons, whether licensed as an auctioneer or not, who shall sell or attempt to sell, or shall cry for sale, at public auction in the city of Chicago, any goods, chattels, or personal property whatever to any person or persons, upon the sidewalks or streets within the said city, so as to collect a crowd of people upon the said sidewalks and streets, whereby the free passage thereof of any person or persons is prevented or hindered, shall be deemed guilty of a nuisance and of obstructing the said sidewalks or streets and shall be severally subject to a fine of ten dollars.

10. HITCHING HORSES—PENALTY.] No person shall at any time fasten any horse or horses, in such a way that the horse, vehicle, reins or lines shall be an obstacle to the free use of the sidewalk, under a penalty of one dollar for each offense, and the person in whose possession or use such horse or horses shall then be shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be prosecuted.

11. HITCHING RINGS—PENALTY.] *Rev. Ord. 1866; Ord. July 20, 1871.* It shall be the duty of the owners of each building, in front of which any sidewalk is now or shall hereafter be constructed, to provide and securely fasten in such sidewalk, one iron ring, of not less than two inches

in diameter, and one quarter of an inch in thickness, at some one point, or, erect a suitable post for hitching in every twenty-five feet of such sidewalk. Every person who shall wilfully violate or neglect to comply with the provisions of this section, shall be liable to a fine of not less than two, nor more than ten dollars.

12. DRIVING ON SIDEWALKS—PENALTY.] No person or persons shall push or draw back any horse, wagon, cart, or other vehicle, over any sidewalk, or use, ride, or drive any horse, wagon, sled or sleigh thereon unless it be in crossing the same to go into a yard or lot, where no other suitable crossing or means of access is provided, under the penalty of not less than one dollar, nor more than ten dollars, for each offense.

13. OBSTRUCTION OF SIDEWALKS BY VEHICLES—PENALTY.] All crosswalks in the city shall be kept reserved free from any sleighs, wagons, carts, or carriages, or horses, or other animals, being placed or suffered to stand thereon, except so far as may be necessary in crossing the same; and the owner or driver of any sleigh, wagon, cart or other carriage, or horse, or other animal, offending herein shall forfeit and pay a penalty of three dollars.

14. REMOVAL OF SNOW AND ICE—PENALTY.] The occupant or owner, or if there be no occupant, of each and every tenement, building or lot, in the city of Chicago, fronting upon any street the sidewalk of which shall be of plank, stone, or brick, shall clear the sidewalk in front of such tenement, building or lot of snow and ice, by nine o'clock of the forenoon of each day, and keep the same clear of such snow and ice, under a penalty of two dollars for a failure so to do, and the like penalty of two dollars for every twelve hours such sidewalk shall remain encumbered with snow or ice, after notice thereof to such occupant or owner from or by any officer of said city.

15. REMOVAL OF OBSTRUCTIONS ON SIDEWALKS—PENALTY.] The board of public works is authorized to cause any obstruction, encroachment, article or thing which may be in violation of the provisions of this chapter to be removed within a reasonable time after notice served upon the owner, agent or person in possession of the premises where such violation occurs, or in case the owner, agent or person in possession cannot be found, then by posting such notice upon the premises or sidewalk in front thereof, and the owner, agent or party causing such violation shall pay all expenses and costs of such removal in addition to the penalties aforesaid. And any person who shall wrongfully interfere with such removal, shall suffer a penalty of not less than ten dollars nor more than one hundred dollars, and may be imprisoned in the house of correction not exceeding thirty days, in the discretion of the court or magistrate before whom such person may be convicted.

16. CURBSTONES TO BE BACKED WHEN PLACED.] Where any streets are filled to the established grade, or filled to a grade requiring curbstone to be set on the line of sidewalk, it shall be the duty of the board of public works or person in charge of such filling to deposit sufficient earth or other material on the sidewalk of such streets to back up and permanently hold the curbstone; and they may use and obstruct the sidewalks to any extent necessary for that purpose. And where any street or portion of street shall be raised to the grade established by the common council, and curbed, or area walls constructed on the curb line of such street or portion of street, the report,

order or resolution, directing such improvement, shall be deemed to embrace and include the raising of the sidewalk to such established grade, whether expressed in such report, order or resolution, or not.

CHAPTER 50.

SPIRITUOUS LIQUORS.

SECTION.

1. Vendors to have license—How to be granted and its conditions.
2. When license takes effect and how registered.
3. Revocation of license—License to be kept posted.

SECTION.

4. Unlicensed sale prohibited.
5. When sale of liquor is prohibited.
6. Sale to minors prohibited.

1. LICENSE—WHO MAY GRANT, AND WHO RECEIVE—CONDITIONS—PENALTY.] *Rev. Ord. 1866.* The mayor is hereby authorized to grant license for the sale of spirituous, vinous and fermented liquors to any person who shall apply therefor to him in writing, upon such person executing to the city of Chicago a bond, with at least two sureties to be approved by the mayor, in the penal sum of five hundred dollars, conditioned that the party so licensed shall faithfully observe and keep all ordinances heretofore passed or to be passed during the period of such license, and that he will not keep open his bar or place for the sale of such liquors, nor sell, give away or in any manner deal in, by himself, servant or any other person, any spirituous, vinous or mixed, fermented or intoxicating liquors upon Sunday; and that he will prohibit all gaming, with or without betting, by means of any cards, dominoes, dice or other articles of luck or chance; and paying for the use of the city fifty-two dollars and no other fees. On compliance with these requirements, a license shall be issued to the applicant under the corporate seal, signed by the mayor and countersigned by the clerk, which shall authorize the person or persons therein named to sell, barter, give away and deliver wines and other liquors, whether vinous, ardent or fermented, in quantities less than one gallon, in the place designated in the application: *Provided*, all licenses issued in pursuance hereof shall expire on the first day of July in each year.

2. LICENSE, WHEN TRANSFERABLE.] No license shall be transferable without the permission of the mayor of said city. The clerk shall keep a license register, in which shall be entered the name of the person or persons licensed, the place of business, the date of the license, and the time the same shall expire. The license shall be dated as of the day of application. No person shall be deemed to be duly licensed to whom a license has not been actually issued or transferred as aforesaid.

3. REVOCATION OF LICENSE—POSTING—PENALTY.] Any license so granted may be revoked upon written notice by the mayor, whenever it shall

appear to his satisfaction that the party so licensed shall have violated any provision of any ordinance of the common council relating to spirituous liquors, or any condition of the bond aforesaid. Any and all persons licensed under this chapter or any ordinance of the city for the sale of liquors, shall immediately cause to be and remain posted upon some conspicuous part of the room or bar kept or used for such purpose, his or their license. Any person so licensed, who shall not cause such license to be and remain posted as aforesaid, or who, not being so licensed, shall cause or permit any paper or document purporting to be a license to be or remain posted as aforesaid, shall, on conviction, be fined in a sum not exceeding twenty dollars.

4. UNLICENSED SALE—PENALTY.] Any person who shall hereafter have or keep any tavern, grocery, ordinary, victualing or other house or place within the city, for the selling, giving away, or in any manner dealing in any vinous, spirituous, ardent, intoxicating or fermented liquors, in quantities less than one gallon; or who, by himself, his agent or servant, shall sell, give away, or in any manner deal in any vinous, spirituous, ardent or fermented liquors, in less quantities than one gallon, without a license for that purpose in pursuance hereof, shall, upon conviction thereof, be subject to a fine of not less than ten dollars nor more than one hundred dollars: *Provided*, that druggists or persons whose chief business is to sell drugs and medicines, shall not be deemed to be within the provisions hereof, in selling quantities less than as aforesaid, for purposes purely medical, mechanical or sacramental; and in all cases of conviction under this chapter, the court or magistrate shall have power, in its or his discretion, to sentence the offender to imprisonment in the house of correction for a period not exceeding two months, in addition to the penalty.

5. WHEN SALE OF, IS UNLAWFUL—PENALTY.] That whenever the wife, or any other relative or friend of any person, by notice in writing personally served, shall make a request to any liquor dealer not to sell, or in any manner give away liquor to such person, it shall thereafter be unlawful for such liquor dealer to sell or give away any liquor to such person. Any person violating the provisions of this section shall be fined in a sum of not less than ten dollars, nor more than fifty dollars, for each and every offense.

6. SALE OF LIQUORS, ETC., TO MINORS—PENALTY.] *Ord. Feb. 11, 1870.* All saloons, groceries, rooms or places, where minors are permitted to drink intoxicating drinks of any kind, or game or play with dice, dominoes, cards, balls or other articles used in gaming, unless the parent or guardian of such minor shall be present at the time of such drinking, gaming or playing, and not object thereto, are hereby declared disorderly houses. Every proprietor or keeper of such saloon, grocery or place where such drinking, gaming or playing shall take place, as aforesaid, shall, for the first offense of keeping disorderly house aforesaid, be subjected to a fine of not exceeding fifty dollars, and for the second offense shall pay a fine of not exceeding one hundred dollars and his license shall forthwith be revoked, and he shall be prohibited from afterward obtaining any license for such purpose in this city.

CHAPTER 51.

STREETS.

SECTION.	SECTION.
1. Map adopted for street names—Exceptions.	14. Buildings not to be removed without permit—Penalty.
2. Decimal system of numbering adopted—Base line of the city adopted.	15. Buildings not to remain on streets—Penalty.
3. Board of public works to assign house numbers.	16. No building to be erected on thoroughfare.
4. Certificate of number assigned—Fee for.	17. When fences, etc., to be removed.
5. Re-numbering of buildings after notice.	18. Obstructions are nuisances— Their removal regulated.
6. Figures, to be used on buildings, prescribed.	19. Proceeding when street is obstructed by teams.
7. Penalty for not affixing number on house.	20. Conditions of permits granted by board of public works.
8. Rule as to numbering new buildings.	21. Excavations to be guarded—Penalty.
9. Street signs, how placed.	22. Penalty for placing rubbish in streets.
10. Penalty for incumbering streets with building material.	23. Penalty for tearing up streets.
11. Proceeding to remove incumbrances.	24. Penalty for injuring trees.
12. Recovery of costs of removal.	
13. Vehicles prohibited on streets, when.	

1. NAMES OF—MAP ADOPTED—EXCEPTIONS.] *Rev. Ord. 1866; amend. Ord. Sept. 2, 1872.* The several streets, avenues and places of the city of Chicago, shall hereafter be known and designated by the names applied thereto respectively on the map of the city of Chicago published by Mr. J. Van Vechten in the year 1872, except as follows, to wit:

Erroneous Name.	Location.	Proper Name.
Lill Street,.....	Tinkham's Add. in Sec. 30, 40, 14...	Montana St.
Montana Street,.....	" "	Lill St.
N. Grove Street,.....	Blk 24, C. T. S., pt. sec 33, 40, 14...	N. Grove Court.
Hamilton Avenue,...	Hamilton's sub. in n e ¼ sec 6, 39, 14.	Marion Place.
Wicker Court,.....	St along n east'rly line of Wicker Park	Park St.
Locust Place,.....	N of blk 6 Bushnell's Add'n.....	Locust St.
Boylston Street,.....	In s frac. sec 3, 39, 14.....	Walton Place.
Portland Place,.....	" "	E. Pearson St.
N. Oakley Street,....	Its entire length.....	N. Oakley Ave.
Fourth Street,.....	In sec 11, 39, 13.....	W. Ohio St.
Albany Avenue,.....	Lee's subd'n in s w ¼ sec 12, 39, 13...	Jager St.
Perch Street,.....	Blk 39 sec 7, 39, 14.....	Irving Pl.
Page Street,.....	{ An unsubd'v'd pt of Smith's subd'n } in e ½ n e ¼ sec 18, 39, 14.....	{ Not dedicated as a street.
Buddan Street,.....	Secs 28 and 33, 39, 14.....	Portland Ave.
Thirtieth Street,.....	In U. S. bank add'n sec 28, 39, 14...	Whitehouse Place.
Dashiel Street,.....	W ½ s w ¼ sec 28, 39, 14.....	Dashiel Ave.
Haynes Street,.....	Bridgeport.....	Haynes Court.
Trumbull Street,...	{ Formerly Astoria st in w ½ n e ¼ sec } 26, 39, 13.....	{ Trumbull Ave.

Erroneous Name.	Location.	Proper Name.
Maplewood Street,..	{ Formerly Walnutst in Steel & Buchanan's subd'n in e ½ n e ¼ sec 36, 39, 13.....	{ Maplewood Ave.
Thirty-third Street,	{ Formerly Homan st in n e ¼ sec 31, 39, 14.....	{ W. 33d Court.
Wood Street,.....	E ½ sec 31, 39, 14.....	Beers St.
Carroll Street,.....	Sec 7, 39, 14.....	Carroll Ave.

And it is hereby made the duty of the owners or occupants of all buildings situated in the city of Chicago, to number them in the manner hereafter provided.

2. DECIMAL SYSTEM OF NUMBERING—BASE LINE OF THE CITY.] *Ord. Nov. 25, 1872.* The decimal system of numbering streets is adopted as the system of numbering streets in the city of Chicago. Madison street shall be the dividing or base line for numbering all north and south streets, and all diagonal streets, and State street shall be the dividing or base line for numbering all east and west streets. The word “west” shall be taken from the name of all streets running “west” from or of State street, and the word “south” from the names of all streets running south from or of Madison street; that the word “east” be prefixed or added to the name of each and all streets running east of or from State street, and the word “north” to the name of all streets running north of or from Madison street, and the word street shall include avenue, courts, or places. One hundred numbers shall be assigned on each street, to each block or square not exceeding eight hundred feet in length or width; to all blocks or squares exceeding eight hundred feet in length two hundred numbers shall be assigned, and the intervening narrow streets and alleys shall not be taken or considered as boundaries of blocks or squares.

3. BOARD OF PUBLIC WORKS TO DESIGNATE NUMBERS.] *Rev. Ord. 1866; amend. Ord. Nov. 25, 1872.* The board of public works shall assign a number to each lot or part of lot fronting on any street, avenue or public place of said city; and the record of such numbering in the books of said board shall be evidence of the respective numbers or designations aforesaid. Said board shall prepare the necessary maps and records of the numbers to be assigned to all lots situated in the city of Chicago, as above described, and no owners or other person shall affix a street number to a building in said city, without having first obtained, from said board, a certificate designating the number assigned to the lot on which such building is situated.

4. CERTIFICATE OF NUMBER—FEE—PROVISO.] The board of public works, to provide for the expenses of mapping the city and assigning the street numbers to the lots therein, are hereby authorized and directed to require payment for the certificates to be issued, according to the foregoing section, at the rate of fifty cents for each number designated by said certificates. But no permit shall be required for numbering any building now numbered.

5. NOTICE TO RE-NUMBER—HOW GIVEN.] *Ord. Nov. 25, 1872.* The board of public works shall proceed and re-number the streets in accordance with the provisions hereof; and when the same is completed for either division or for the whole city, they shall give notice thereof in the cor-

poration newspaper, and it shall be the duty of the owners or occupants of all buildings to proceed and re-number their buildings within sixty days after such notice shall be given.

6. HOUSE FIGURES PRESCRIBED.] *Rev. Ord. 1866.* Each of the figures of every number shall be not less than three inches in length, being so marked as to be distinctly and easily read; said numbers shall be placed in a conspicuous place on the side of, or above, the front door of the buildings to which the same are attached.

7. PENALTY FOR NOT AFFIXING NUMBER OF HOUSE.] Any person being the owner or occupant of any building now erected in the city of Chicago, who, after being notified by the board of public works that the street numbers are on record at their office, shall for thirty days neglect or refuse to number any buildings owned or occupied by him, in conformity with the provisions of this chapter, or who shall number such building without having first obtained from the board of public works a certificate designating the proper number of such building, shall be subject to a penalty of five dollars, and a further penalty of five dollars for every thirty days thereafter that he shall neglect or refuse to number said building, or shall maintain thereon a number without having first obtained from said board said certificate, and a sufficient notice by said board to all owners or occupants that the street numbers are on record at their office, shall be an advertisement to such effect in the corporation newspapers, to be inserted for three days.

8. PENALTY AS TO NEW BUILDINGS.] Any owner or occupant of any building hereafter erected in the city of Chicago who shall, for thirty days after the same shall be erected, neglect or refuse to number said building according to the provisions of this chapter, or who shall number said building without having first obtained from said board a certificate designating the proper number, shall be subject to a penalty of five dollars and a further penalty of five dollars for every thirty days thereafter that said building shall be without its number according to the provisions of this chapter, or shall have a number thereon without said certificate having first been obtained from said board.

9. STREET SIGNS.] *Ord. Oct. 15, 1865.* The board of public works are hereby authorized to erect signs designating the names of the streets in the city of Chicago at all street corners; such signs in the lamp districts to be painted on the corner street lamps, and to pay for said signs out of the money appropriated for street work in the city.

10. INCUMBERING STREETS BY BUILDING MATERIAL.] *Rev. Ord. 1866.* Any person who shall incumber or obstruct, or cause to be incumbered or obstructed, any street, alley, public landing, wharf or pier, or other public place in said city, by placing therein or thereon any building materials, or any article or thing whatsoever, without having first obtained written permission from the board of public works, shall be subject to a penalty of not less than five dollars nor more than fifty dollars for each offense, and a further penalty of ten dollars for each day or part of a day such incumbrance or obstruction shall continue.

11. REMOVAL OF INCUMBRANCES—PENALTY.] The board of police the mayor, any alderman or any public officer, is hereby authorized to order

any article or thing whatsoever which may incumber or obstruct any street, alley, public landing, wharf or pier within said city to be removed; and if such article or thing shall not be removed within six hours after notice to the owner or person in charge thereof to remove the same, or if the owner cannot be readily found for the purpose of such notice, to cause the same to be removed to some suitable place, to be designated by the mayor or board of public works. And the owner of any article so removed shall forfeit a penalty of ten dollars, in addition to the cost of such removal.

12. PROCEEDING TO REMOVE INCUMBRANCES.] Any article or thing which may be removed, in accordance with the preceding section, shall be advertised ten days and sold by the board of public works unless the same shall be sooner reclaimed, and the penalty and costs paid by the owners thereof. The proceeds of such sale shall be paid into the city treasury and the balance, if any, after deducting the penalty and costs, shall be paid to any person or persons furnishing satisfactory proof of ownership.

13. VEHICLES ON STREETS—PROHIBITED WHEN.] *Ord. July 25, 1872.* No wagon, sleigh, sled, carriage, railway carriage or vehicle of any kind or description, or any part of the same, without horses or other beasts of burden, shall be permitted to remain or stand in any improved street of this city for more than one hour, except for the purpose of being repaired, and then only in front of the premises of the person so repairing and within ten feet of the curbing, under a penalty of not less than one dollar nor more than twenty-five dollars; and any such wagon, sled, sleigh, carriage, railway car, or vehicle, or any part of the same, may be removed by the board of public works or any police officer, as provided in section eleven of this chapter.

14. REMOVING BUILDINGS WITHOUT PERMIT—PENALTY.] *Rev. Ord. 1866.* If any person shall remove or cause to be removed, or aid and assist in removing any building into, along or across any street, alley or public ground in the city, without first obtaining written permission from the board of public works, and conforming to such rules, regulations, requirements, restrictions and conditions as they may prescribe, he shall be subject to a penalty of twenty-five dollars, to be recovered from the owner of the building or any person aiding or directing in its removal, and a like penalty for every twenty-four hours the same shall remain in or upon any street, alley or public ground.

15. BUILDINGS ON STREETS—PENALTY.] The owner of any building or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets or alleys, or upon any of the public grounds of the city for any time longer than may be specified in the permission of the board of public works, shall forfeit a penalty of ten dollars, and a like penalty for every twenty-four hours the same shall be continued, and such building shall be deemed a nuisance, and be proceeded against as provided in section eighteen of this chapter.

16. NO BUILDINGS ON THOROUGHFARES.] No person shall erect or place any building, in whole or in part, upon any street, alley, sidewalk or other public ground within this city, under a penalty of fifty dollars.

17. REMOVAL OF FENCES, ETC., FROM STREETS.] The owner of any building, fence, porch, steps, gallery or other obstruction, now standing, or

22. RUBBISH IN STREETS—PENALTY.] No person shall place any straw, dirt, chips, shells, ashes, swill or other rubbish, though not offensive to health, in any street or alley in the city of Chicago (except that ashes may be placed in the middle of the carriage way of streets not improved, if leveled off so as not to obstruct the street) under a penalty of five dollars for each offense, and a like penalty for every hour the same shall be suffered to remain after notice given by any officer or agent of the city to remove the same.

23. TEARING UP PAVEMENTS AND WALKS—PENALTY.] No person shall injure or tear up any pavement, side or crosswalk, or any part thereof, dig any hole, ditch or drain in, or dig or remove any sod, stone, earth, sand or gravel from any street, alley or public ground in the city of Chicago, without having first obtained, from the board of public works, written permission; or hinder or obstruct the making or repairing any public improvement or work ordered by the common council or being done under lawful authority for the city of Chicago, under a penalty, for each offense, of not less than ten dollars nor more than one hundred dollars.

24. INJURING TREES, ETC.—PENALTY.] No person shall fasten any animal to, or destroy or injure any fence, railing, ornamental or shade tree or shrub, in or upon any public ground, street, alley or other public place in the city of Chicago, under a penalty of not less than five dollars nor more than one hundred dollars.

CHAPTER 52.

TREES.

SECTION.

1. Line of trees on streets established.
2. Penalty for injuring trees.

SECTION.

3. Trees out of line to be removed—Proviso.
4. Penalty for obstructing lamps by trees.

1. LINE OF TREES ESTABLISHED.] *Rev. Ord. 1866.* All shade and ornamental trees shall be planted on a line two feet inside of the outer line of the sidewalk as defined and established by the chapter relative to sidewalks. If any person shall plant any tree as aforesaid on any different line, he shall be subject to a penalty of five dollars.

2. INJURING TREES—PENALTY.] Any person who shall cut, break, or otherwise injure or destroy any shade or ornamental tree, other than his own, upon any sidewalk or elsewhere, shall be subject to a fine of not less than ten dollars, nor exceeding fifty dollars, in every case.

3. TREES OUT OF LINE—REMOVAL OF.] If any trees shall have been heretofore planted, within or without the line established at the time the same were set out, or shall hereafter be planted in violation of this chapter, the board of public works shall have power, in their discretion, to cause the same

to be taken up and properly set out: *Provided*, that in no case shall such discretion be exercised unless such tree shall form a material obstruction to the street or sidewalk; nor unless the season shall be favorable for transplanting the same.

4. OBSTRUCTION BY TREES.] If any trees shall be suffered by the owner or occupant of the premises to grow in such a manner as to obstruct the reflection of the public lamps, it shall be the duty of the board of public works to notify the owner or occupant of the premises forthwith to trim the same, in the manner to be specified in the notice. If any person shall refuse or neglect to comply with such notice, it shall be the duty of the said board to cause such trees to be trimmed, and the person so refusing or neglecting shall be subject to a penalty of one dollar for each tree he was so notified and refused, or neglected, to trim.

CHAPTER. 53.

TUNNELS.

SECTION.

1. Speed of vehicles in tunnels regulated.
2. Loose animals not permitted to enter.

SECTION.

3. Dimensions of loads prescribed.
4. Penal clause.

1. RATE OF SPEED OF VEHICLES IN.] *Ord. Jan. 31, 1870.* No person shall ride, lead or drive any horse, or other animal, nor any vehicle of any sort, through any street tunnel in the city of Chicago, or either of its approaches, at a greater speed than four miles an hour.

2. LOOSE ANIMALS NOT TO ENTER.] No person shall drive, or assist in driving, into or through any such tunnel, or its approaches, any loose horse, horses or loose cattle, or any loose animals of any sort.

3. DIMENSIONS OF LOADS PRESCRIBED.] No person shall lead or drive into any such tunnel, or into either of its approaches, any cart or other vehicle loaded with loose hay or straw, or like bulky or combustible material, or any vehicle, the dimensions of which, including its load, shall exceed ten feet in height or eight feet in width.

4. PENALTY.] Any person violating any of the provisions of either of the sections of this chapter shall, on conviction, pay a fine of not less than five dollars nor exceeding twenty-five dollars for each offense.

CHAPTER 54.

VEHICLES.

SECTION.

1. Vehicles for hire to be licensed—Conditions of license and how granted.
2. Licenses to be registered—When to expire.
3. Sign for licensed vehicles prescribed.
4. Signs for use at night described.
5. Drivers to be licensed—Fee—When revocable.
6. License fees.
7. Rates of fare authorized.
8. Duty of hack drivers—Penalty for counterfeiting cards.
9. Hack stands established—Proviso.
10. Conduct of licensed hackmen, etc., how to be regulated.
11. Stand established at Wells street depot—Regulations of.
12. Stand on Market street for truck wagons, etc.

SECTION.

13. Express wagons, where to stand.
14. Drivers to stand by wagons.
15. Law of the road stated.
16. Board of police to establish and regulate stands.
17. Disturbances at depots prohibited.
18. Penalties prescribed.
19. Drivers, etc., not to act as porters or runners.
20. Railway cars to have right of way.
21. Penalty for overcharge and extortion.
22. Rate of fare to be charged by expressmen, etc.
23. Rates of fare to be posted in vehicle.
24. Penalty for misrepresentations made.
25. Noise or indecency by drivers prohibited.
26. Power of police—Penalty for disobedience.

1. TO BE LICENSED—LICENSE, HOW GRANTED—CONDITIONS.] *Rev. Ord. 1866.* No person or persons shall hire out, keep or use for hire, or cause to be kept or used for hire, for the carrying or conveying of persons or any article or thing whatever within the city of Chicago, any hackney coach, cab, coach, omnibus, dray, cart, wagon or other vehicle or vehicles, carriage or carriages of any description or name whatever without a license so to do. And the mayor is hereby authorized to license under his hand, attested by the clerk and the seal of the city, any person or persons, residents of said city, over the age of twenty-one years and being the owner or owners of any or either of the said vehicles or carriages, to keep and use for hire and the conveyance of persons, or any article or thing as aforesaid, any or either of the said carriages or vehicles. All licenses granted under this section may be transferred by the mayor, in his discretion, attested by the clerk: *Provided*, that the keeper or keepers of livery stables shall have the right to do the ordinary business of such stables without obtaining such license.

2. LICENSE—REGISTRATION OF—WHEN TO EXPIRE.] It shall be the duty of the clerk to keep a register of the names of the persons to whom each license is granted or transferred, the date when issued or transferred, the number of the license and the description of the vehicle licensed. All licenses, unless revoked, shall continue in force until the first day of April after the date of the issuing thereof.

3. SIGN PRESCRIBED.] Every person so licensed shall forthwith cause the name of the owner and the number of his license to be plainly painted in letters, at least one and a half inches in size, in a conspicuous place on the outside of each side of the vehicle, and shall keep the same plain and dis-

inch long, and the number of the hack or other vehicle in figures not less than seven-sixteenths of an inch long, said letters and figures to be boldly cut in roman characters and filled in with black; said badge shall be provided with a pin or other fastening, by which the same may be and shall be worn in a conspicuous place on the outside of the breast of the coat, so that it may not be hidden either by accident or design. The city clerk shall collect a fee of one dollar and no more for every driver's license so issued, and such driver's license may be revoked by the mayor in his discretion.

6. LICENSES—CHARGE FOR.] All omnibuses and accommodation coaches running in connection with hotels shall be charged for license, each, the sum of ten dollars per annum.

All omnibuses and accommodation coaches, running upon established lines and at stated periods, from place to place within the city, shall be charged for license, each, the sum of ten dollars per annum.

All hackney coaches and carriages, drawn by two horses or other animals, and occupying any public stand, or that shall run for the conveyance of passengers, for hire or reward, within the city, shall be charged for license, each, the sum of twelve dollars per annum.

All cabs or other vehicles drawn by one horse or other animal, and occupying any public stand, or that shall run for the conveyance of passengers, for hire or reward, within the city, shall be charged for license, each, the sum of five dollars per annum.

All baggage, express and furniture wagons, and vehicles drawn by two or more horses or other animals, shall be charged for license, each, the sum of ten dollars per annum.

All baggage, express and furniture wagons and vehicles drawn by one horse, or other animal, shall be charged for license, each, the sum of five dollars per annum.

All drays, carts, wagons and other vehicles, running within said city for hire or reward and not otherwise expressly provided for, shall be charged for license, each, the sum of five dollars per annum.

All wagons and other vehicles drawn by four or more horses, or other animals, for the conveyance of any heavy article or thing for hire, from place to place in said city, shall be charged for license, each, the sum of ten dollars per annum: *Provided*, that nothing herein contained shall include omnibuses and baggage wagons running to and from hotels free of charge, and no fees shall be charged for any license issued under this section.

7. TARIFF OF FARES.] *Rev. Ord. 1866; amends. Ord. Feb. 25, 1867; Apr. 22, 1867.* The only prices to be charged, received or taken by the owners or drivers of any hackney coach, carriage or other vehicle, except omnibuses, for the conveyance of passengers for hire within said city, shall be as follows, to be regulated and estimated by the distance on the most direct route, namely:

For conveying each passenger from one railroad depot to another railroad depot, fifty cents.

For conveying a passenger not exceeding one mile, fifty cents.

For conveying a passenger any distance over one mile and less than two miles, one dollar.

For each additional passenger of the same party or family, fifty cents.

For conveying a passenger in said city any distance exceeding two miles, one dollar and fifty cents.

For each additional passenger of the same family or party, fifty cents.

For conveying children between five and fourteen years of age, half of the above price may be charged for like distances, but for children under five years of age no charge shall be made: *Provided*, that the distance from any railroad depot, steamboat landing or hotel, to any other railroad, steamboat landing or hotel, shall in all cases be estimated at not exceeding one mile.

For the use by the day of any hackney coach or other vehicle drawn by two horses or other animals, with one or more passengers, eight dollars per day.

For the use of any such carriage or vehicle by the hour with one or more passengers, with the privilege of going from place to place, and stopping as often as may be required, as follows:

For the first hour, two dollars.

For each additional hour or part of an hour, one dollar.

For conveying one or more passengers to or from any place in said city between the hours of twelve p. m. and seven o'clock a. m. for each trip, two dollars, without regard to the distance or number of passengers.

For the use of any cab or other vehicle drawn by one horse or other animal, by the hour with the privilege of going from place to place, with one or more passengers and stopping when required:

For the first hour, one dollar.

For each additional hour or part of an hour, fifty cents.

For the use of any such carriage by the day, four dollars.

Every passenger shall be allowed to have conveyed upon such vehicle, without charge, his ordinary travelling baggage, not exceeding in any case one trunk and twenty-five pounds of other baggage. For every additional package, where the whole weight of baggage is over one hundred pounds if conveyed to any place within the city limits, the owner or driver shall be permitted to charge fifteen cents.

Whenever any package or article of baggage, or goods of any kind, shall be left in or on any hackney or other coach, cab, omnibus, carriage, dray, cart, wagon or other licensed vehicle for the conveyance of passengers, goods or baggage; or when any such package or article shall be left in the custody of the driver of any such vehicle, such driver shall upon the discovery of such package or article, forthwith deliver the same at the central police station of said city, into the hands of the officer in charge of said station, unless such package or article shall be sooner delivered to the owner thereof or the order of such owner. Any neglect or refusal on the part of the driver of any vehicle as aforesaid to comply with the provisions hereof and any violation of any clause or provision of this section shall subject such driver to the same penalties as are provided in section twenty of this chapter.

8. HACK DRIVERS TO EXHIBIT CARD.] *Ord. July 25, 1870.* Each owner or owners of any licensed public hackney coach, cab, carriage or other vehicle used for the conveyance of passengers in and about the city of Chicago shall provide himself, herself or themselves with printed cards, with his, her

or their names, place of residence, number of such conveyance, and the rates of fare established by this chapter printed thereon, and shall furnish the same to each and every driver by them employed. Upon each passenger or passengers entering such conveyance, the driver shall hand one of such cards to the person or persons entering, and no passenger shall be held responsible for or liable to pay any fare or fares until after such card shall have been handed to him, her or them: *Provided, however*, that one card shall be sufficient for any number of passengers belonging to the same party who may enter any conveyance at the same time. Any owner, owners, agent or driver who shall use or distribute any counterfeit card or cards, or who shall collect or attempt to collect any fare or fares without first presenting such genuine card or cards, shall, upon conviction before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five dollars, together with the cost of prosecution, for the first offense, and for the second offense a similar fine shall be imposed and the license for such vehicle revoked, the party fined in either event to stand committed until such fine and costs are paid.

9. HACK STANDS—PENALTIES.] *Rev. Ord.* 1866; *amends.* Sept. 17, 1866, May 9, 1860, July 24, 1871. No owner or driver of any licensed hackney coach, cab, coach or other vehicle for the conveyance of passengers, shall make any stand or stopping place for business with his vehicle in any street or other public place in the south division of said city, north of the south line of Washington street, except in the places designated as follows, namely: the south side of Randolph between LaSalle and Clark streets; the north side of Washington street, between Clark and LaSalle streets, except as hereinafter provided; and no owner or driver of any hackney coach, omnibus, cab or other carriage for the conveyance of passengers, or of any wagon, dray, cart or other carriage for the conveyance of baggage, luggage or other merchandise, shall make any stand or stopping place, with or without his vehicle, while waiting for employment, at any place on any street or public grounds adjacent to any railroad or railway depot, or steamboat landing, or wharf, except in the place or places designated by the person having charge of such depot or by the superintendent of police of said city of Chicago, under a penalty of not less than five dollars nor exceeding one hundred dollars for each and every offense. Nor shall any such owner or driver make such stand or stopping place, either within or without the limits designated, within the distance of twenty feet of any street crossing, and in such other places and under such other regulations as may, from time to time, be established and designated by the common council: *Provided*, that hackney coaches may stand in front of any or either of the hotels, or public buildings, in case the owners of such hackney coaches shall first obtain the written permission of the occupant or occupants of such hotel or building for that purpose, and the written permission of the mayor, and until such written permission shall be revoked by such occupant or the said mayor.

10. LICENSED HACKMEN, ETC.—ORDER ON STANDS.] All owners or drivers of hacks, hackney coaches, omnibuses, cabs, wagons, drays, carts or other carriages for the conveyance of passengers, baggage, luggage or merchandise, taking their stands, with their vehicles, at such places designated by the persons having charge of depots, as in the last section provided, shall

have the right to stand on any vacant place within the limits of the places designated, and no preference shall be shown between different vehicles of the same class, as to the choice of position within such limits; but different places may be designated for omnibuses, for other carriages for passengers, and for drays and baggage wagons, so as to keep each class of vehicles together.

11. STAND AT WELLS STREET DEPOT.] *Ord. Feb. 28, 1870.* All hackney coaches, omnibuses, cabs and other vehicles, while waiting for passengers from the Wells street depot of the Chicago and Northwestern railway shall stand upon the south side of Kinzie street, west of Wells street and east and west of the entrance to said depot from Kinzie street; and the driver of such hackney coaches, omnibuses, cabs and other vehicles shall remain and stand within twenty feet of their respective vehicles. Any person who shall violate any or either of the provisions of this section, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, pay a fine of not less than five dollars nor more than one hundred dollars, and shall forfeit his license.

12. STAND ON MARKET STREET.] *Ord. July 24, 1871.* A space forty feet wide in the middle of Market street, extending from the south line of Randolph street to the north line of Washington street and from the south line of Washington street to the north line of Madison street, is set apart as a public stand for truck wagons and teams.

13. EXPRESS WAGONS ON STREETS.] *Ord. April 18, 1870.* All licensed express wagons are hereby authorized to stand and remain upon the streets in front of any and all business lots or blocks within the city: *Provided*, that a space of at least twelve feet shall be left open and unoccupied from the sidewalk to the street, in front of the main entrance to all buildings occupied for business purposes, in or upon which no express wagon shall stand except for the purpose of taking in or allowing passengers to emerge, or for the purpose of loading or unloading some article or thing in front of said building; *And provided*, that the drivers of all express wagons shall, when requested so to do, move their wagons from the place where they may stand, so as to allow any carriage or vehicle to approach the sidewalk in front of any such building to discharge or take in any person or thing which it may be necessary or which the driver thereof may be requested to take or receive on board of said hack or express wagon. Any person violating this ordinance shall be fined twenty-five dollars, to be sued for and collected in the usual manner required or provided for by the ordinances of this city.

14. DRIVERS TO STAND BY WAGONS.] *Rev. Ord. 1866.* No person having in charge any hackney coach, cab, omnibus or carriage, for the conveyance of passengers, luggage or baggage, shall, while awaiting employment at any of the stands hereinbefore designated, be or remain more than ten feet from the vehicle which he has in charge, and no more than one driver will be allowed to any omnibus, hackney coach or other carriage intended for passengers.

15. LAW OF THE ROAD.] *Ord. Nov. 15, 1869.* All omnibuses driven upon, over or along any of the streets or avenues of the city shall, at all times, keep to the right hand side of the centre of such street or avenue and in no event shall any such omnibus be driven to the left hand side of

the centre of such street or avenue for the purpose of receiving any passenger or for any other purpose: *Provided*, that this section shall not be construed so as to prevent any omnibus from receiving passengers from a hotel on the left hand side of the street, for the purpose of conveying such passengers to a railroad depot or steamboat landing. Any driver or owner of any omnibus violating any of the provisions of this section shall be subjected to a fine of not less than ten dollars and not more than twenty-five dollars.

16. STANDS TO BE STATED BY BOARD OF POLICE.] *Ord. July 25, 1870.* The board of police of the city of Chicago is authorized and empowered to designate stands for omnibus lines running in said city. Said board may make all necessary rules and regulations for omnibuses and the drivers of the same at such stand or stands. Any person violating any of such orders, rules or regulations of said board shall incur a penalty of not more than fifty dollars.

17. DISTURBANCE AT DEPOT.] *Rev. Ord. 1866.* No person shall in or about any railroad passenger house in said city, make any loud noise or disturbance, or be guilty of any lewd or indecent conduct or behavior to the annoyance or disturbance of citizens or travelers. It shall be the duty of the depot and city police to see that the foregoing provisions are strictly observed, and in case of any violation thereof forthwith to arrest the offender, and take him before a court having jurisdiction of the offense, to be dealt with according to law.

18. PENALTIES.] Any person who shall violate any or either of the provisions of this chapter, or any section, clause or provision of any section of this chapter, or who shall neglect or fail to comply with any or either of the requirements thereof, shall, on conviction, excepting as herein is otherwise provided, pay a fine of not less than five dollars nor more than one hundred dollars, and shall forfeit his license.

19. DRIVERS, ETC., NOT TO ACT AS PORTERS.] *Rev. Ord. 1866.* No driver, agent, servant, owner or owners of any such hackney coach, cab, carriage or other vehicle herein referred to, shall act as public porter or runner without a license for that purpose, or solicit passengers, except for such vehicle as he may be licensed for; and no driver of any hackney coach, cab, omnibus, wagon, dray, car, carriage or other vehicle, shall engage in racing with another, or drive faster than a moderate trot, while passing in, along or through any of the public streets in the city; and all such vehicles shall keep to the right when in motion and passing along any of such public streets.

20. RIGHT OF WAY OF RAILWAY CARS.] *Rev. Ord. 1866.* In all cases where any team or vehicle shall meet a car upon either of the horse railways upon the streets of said city, such team or vehicle shall give way to said car. Nor shall any person wilfully or maliciously obstruct, hinder or interfere with any of said railway cars, by placing, driving or stopping, or causing to be placed, or driven in a slow pace, or stopped, any team, vehicle or other obstacle, in, upon, across, along or near to the track of said railways, or either of them, in said city, after being notified by the ringing of the car bell. Whoever shall wilfully violate any of the provisions of this section, shall forfeit the sum of not less than five dollars nor more than twenty-five dollars for every such offense.

21. OVERCHARGE AND EXTORTION—PENALTY.] No owner or driver of any hackney coach, cab, coach, or other carriage or vehicle licensed as aforesaid, shall refuse to convey in said city any person with or without baggage as aforesaid, when applied to for that purpose; or, having undertaken to convey such person, shall omit or neglect so to do, or shall ask, take or extort from any person desiring to be, or having been conveyed to any place in said city, as the price or rate of fare for such conveyance, any greater price or rate of fare than is herein established.

22. TARIFF FOR DRAYMEN, ETC.] Draymen, carters, expressmen or wagoners, licensed as aforesaid, shall be entitled to receive and ask for the cartage of any articles, goods, wares and merchandise upon such cart, wagon or dray, when the distance shall not be greater than one mile, 50 cents, and for each additional mile, or fractional part of a mile, 25 cents, and no person driving such licensed dray, cart or wagon, shall refuse to convey within said city the baggage, goods or merchandise of any person, when applied to for that purpose, or having undertaken to convey such baggage, goods or merchandise, or other thing, shall omit or neglect to do so, or shall state to, ask, take or extort from any person desiring to have, or having had, conveyed to any place in said city such baggage, goods, merchandise, or other thing, as the price or rate of fare for such conveyance, any greater price or rate of fare than that herein established: *Provided*, that this section shall not apply to teams with two or more horses, or other animals used for conveying heavy articles.

23. RATES OF FARE TO BE POSTED.] Every driver and owner of a licensed hackney coach, cab or other vehicle for the conveyance of passengers, shall at all times keep fixed and posted right side up inside of the same, so as to be most conveniently seen and read, a card to be furnished by the city at the expense of the owner, printed in plain, legible characters, containing the prices or rates of fare allowed by this chapter, and the name of the owner and driver of such vehicle and the number of the license thereof.

24. MISREPRESENTATIONS—PENALTY.] No owner or driver of any licensed hackney coach, cab, coach or other carriage, vehicle, dray, cart or wagon shall induce any person to employ him by either knowingly, wantonly or ignorantly misinforming or misleading such person as to the time or place of the arrival or departure of any railroad car, steamboat, canal boat, or other public conveyance whatever, or the location of any railroad depot, office, station, or any railroad ticket office, or the location of any hotel, stage office, public place, or private residence within the said city, or shall induce any person to ride in or employ his vehicle, by falsely representing his vehicle to such person as running for or being in the employment of a public house, canal or steamboat line, railroad or stage company, with a view to exact, solicit or obtain fare, or any thing of value from such person, or having so induced any person to ride in his vehicle, shall exact, solicit or take fare or any thing of value from such person, for conveying him to such public house, canal or steamboat landing, railroad depot, ticket office, stage company office, or other public place, or shall convey any passenger, with or without request, in such a vehicle, to any ticket office, for the purpose of obtaining a ticket for any of the before mentioned conveyances, or for the pur-

pose of inquiring as to the time of departure thereof, and thence to any of said public conveyances, or shall convey any person, without his request, to any place or house of ill-fame, or shall deceive any person in relation to any ticket or shall sell or offer to sell any ticket or voucher for conveyance which is worthless, or shall make any false representation or statement in regard to any vouchers or ticket for conveyance that may be shown to him, or shall not give his name and the number of his license on request of any person, or shall impose upon or deceive any person, in any manner or form, or shall charge any passenger a greater price than single fare or hire, or shall strike, threaten, insult or otherwise abuse or ill-treat any passenger under any pretence whatever. And no owner of any vehicle in this chapter specified shall aid or abet the driver thereof in any offense in this section specified, or shall know and conceal, or connive at any such offense, or aid or assist him in escaping from punishment by preventing the appearance of witnesses, or by attempting so to do, or by any other mode whatever.

25. INDECENT CONDUCT—DRIVERS.] No owner or driver of any hackney coach, cab, omnibus, coach, dray, cart, wagon or other carriage or vehicle, while waiting for employment at any stand, railroad depot or other public place in said city, shall unnecessarily snap or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or any disorderly conduct, or vex or annoy travelers or citizens, or obstruct any sidewalk; and such owner and drivers are required to obey any and all regulations and rules adopted by any railroad company or other association or person for the promotion of order at any public landing, railroad depot, or other public place in said city, not inconsistent with the ordinances of the city and the police regulations thereof.

26. POWER OF POLICE—PENALTY OF DISOBEDIENCE.] Any police officer or member of the police department shall have power to arrest any person offending against any or either of the provisions of this chapter, or any person who refuses or neglects to desist from any such offense when commanded; and such officers, or either of them, shall have power to give any directions which they may deem necessary for the preservation of good order and the convenience of the public at any railroad depot, termination, public place, station or steamboat landing within said city, and no owner or driver of any of the vehicles mentioned in this chapter shall refuse or neglect to obey such directions, or shall interfere with such officer as to such directions, or shall resist or interfere with any such officer in the discharge of his said duties.

CHAPTER 55.

WATER WORKS.

SECTION.

1. Water near water works not to be befouled.
2. Penalty for interfering with public hydrants.
3. Penalty for injuring hydrants.
4. Penalty for wrongful use of hydrants.
5. Regulations governing the supply of water.

SECTION.

6. Penalty for violating the regulations governing supply of water.
7. Penalty for obstructing stop cocks.
8. Plumbers to be licensed—Penalty.
9. The use of water meters prescribed, when.

1. WATER NOT TO BE BEFOULED.] *Rev. Ord. 1866.* No person or persons shall drive, lead, or swim any horses, sheep or other animals into or in the waters of Lake Michigan within three blocks of the works on Chicago avenue in said city, commonly called the “water works,” nor shall any person or persons wash or clean any carriage or other vehicle whatever in the waters of Lake Michigan, within said limits, under a penalty of not less than ten dollars nor more than twenty-five dollars for each and every offense.

2. PUBLIC HYDRANTS—MEDDLING WITH—PENALTY.] All the hydrants constructed in the city of Chicago for the purpose of extinguishing fires in said city, are hereby declared to be public hydrants, and no person or persons (other than the members of the fire department of said city, for the use and purposes of said department, and those specially authorized by the board of public works) shall open any of the said hydrants, or attempt to draw water from the same, or in any manner interfere with or injure any of said hydrants, under a penalty of not less than ten dollars, nor exceeding fifty dollars for each and every offense.

3. HYDRANTS, INJURY TO—PENALTY.] Any person or persons who shall wilfully or carelessly break or injure any of the public hydrants or shall pollute or unnecessarily waste the water at any such hydrants, shall, on conviction, be fined in a sum not less than ten dollars, nor exceeding fifty dollars for each and every offense.

4. WRONGFUL USE OF HYDRANTS—PENALTY.] Any member of the fire department who shall let out, or suffer or permit any person or persons to take the wrenches furnished to the fire department of said city to be used in case of fire, or shall suffer or permit any of said wrenches furnished said department to be taken from the engine houses of said department, except they accompany the engines on occasions of fire, or for other purposes connected with the fire department, shall forfeit and pay, on conviction, a sum not less than ten dollars nor more than fifty dollars for each and every offense.

5. REGULATIONS OF WATER SUPPLY.] The following rules and regulations for the government of water takers are hereby adopted and established,

the words and figures as the same are now established by the board of public works of the city of Chicago, as follows :

The board of public works of the city of Chicago do establish the following rules and regulations for the government of water takers:

I. No occupant or owner of any building, in which the water is introduced, will be allowed to supply other persons or families. If found doing so the supply will be stopped, and the amount of pay forfeited.

II. Whenever two or more parties shall be supplied from one pipe connecting with the distributing main, the failure on the part of any one of said parties to comply with the rules and regulations of this board shall authorize the board to withhold a supply of water from such main, without any liability whatsoever, and all payments made shall be forfeited.

III. No addition or alteration whatever, in or about any conduit, pipe or water-cock, shall be made by persons taking the water, without notice thereof being previously given to and permission had in writing from the board.

IV. All persons taking the water shall keep their own service pipes, stop cocks and apparatus in good repair, and protected from frost, at their own expense, and shall prevent all unnecessary waste of water; and it is expressly stipulated by the board that no claim shall be made against them or the city, by reason of the breaking of any service cock or service pipe.

V. No hydrants shall be permitted on the sidewalk or in the front area, neither will they be permitted to be kept running when not in actual use; taps at wash basins, water-closets, baths and urinals must be kept closed in like manner.

VI. Applications for water must state, fully and truly, all purposes for which it is required; and when paying the semi-annual charges for it, parties must frankly and without concealment answer all questions put to them relating to its consumption. In case of fraudulent misrepresentation on the part of the applicant, or of uses of the waters not embraced in the applicant's bill, or of willful or unreasonable waste of water, the board shall have the right to forfeit his payment, and the supply of water will be stopped, unless the party shall promptly pay such additional charge as the board may impose.

VII. The various officers employed by the board, and every person by them delegated for the purpose, must have free access, at proper hours of the day, to all parts of every building in which the water is delivered and consumed, to examine the pipes and fixtures, and to ascertain whether there is any unnecessary waste of water.

VIII. Water rents must be paid semi-annually, in advance, on the first days of May and November, at the office of said board. If not paid at their office within thirty days thereafter, ten per cent. will be added for the expenses of collection. At the termination of thirty days all rents or assessments remaining unpaid will be collected in the manner provided by law.

IX. For a violation of any of the preceding rules and regulations, this board reserves the right to stop the supply of water, without any further or preliminary notice; nor will it be restored except upon payment of the expense of shutting it off and putting it on, and upon a satisfactory understanding with the party that no future cause of complaint shall arise.

6. PENALTY OF VIOLATION OF WATER REGULATIONS.] Any person who shall violate any or either of the rules and regulations for the government of water takers specified in section five hereof, shall, on conviction, in addition to the enforcement of the forfeitures, liabilities, stipulations and reservations therein contained, pay a fine of not less than three dollars nor more than twenty dollars.

7. OBSTRUCTING STOP COCKS—PENALTY.] No person shall in any manner obstruct the access to any stop cock, connected with any water pipe within any street, alley or common of said city, by means of any lumber, brick, building material or other article, thing or hindrance whatsoever, under a penalty of not less than five dollars nor more than fifty dollars.

8. PLUMBERS TO BE LICENSED—PENALTY.] *Ord. Sept. 7, 1868.* Any person who shall lay any water service pipe, or introduce into or about any building or on any grounds, any water pipes, or do any plumbing work in any building or on any grounds, for the purpose of connecting such pipes or plumbing works with the pipes of the Chicago water works, or of preparing them for such connections, with the view of having such premises supplied with water by the Chicago water works, or who shall make any addition to or alteration of any water pipe, bath, water-closet, stop cock, or other fixture or apparatus for the supplying of any premises with water, without being duly licensed to perform such said work by the board of public works of the city of Chicago, and without having first obtained a permit for the doing of such work from said board, shall be subject to a fine of not less than ten dollars and not exceeding fifty dollars.

9. WATER METERS TO BE USED—WHEN.] *Rev. Ord. 1866.* The board of public works shall attach meters at all hotels, manufacturing establishments using steam, bath houses, livery stables and other premises using large quantities of water, to measure the quantities of water used at such premises, and the water rents and assessments at such premises shall be in proportion to the quantities used.

CHAPTER 56.

WEIGHERS.

SECTION.

1. Weighers to be appointed—Who disqualified.
2. The bond of the weigher—Its conditions.
3. Scales, how to be provided.
4. Quarterly adjustment of scales.

SECTION.

5. When and how deputies shall be appointed.
6. Weighers to keep office.
7. Compensation of weighers.

1. WEIGHERS TO BE APPOINTED.] *Ord. Oct. 5, 1865.* In conformity with section one of the amended city charter, relating to the appointment of certain city officers, approved February 16, 1865, the common council shall

appoint such number of city weighers as may be deemed necessary and expedient for the interests of said city: *Provided*, that no person or persons, or corporation interested in any coal yard, or transacting a coal business in said city, shall be eligible to the office of city weigher under this chapter.

2. WEAHER'S BOND—CONDITIONS.] Any weigher so appointed, before he enters upon the discharge of his official duties, shall enter into a bond in the penal sum of five hundred dollars, with two or more sureties, conditioned for the faithful discharge of his duties, and the payment of any damages that may accrue to any person, firm or corporation, by reason of his using any false weight or issuing any incorrect certificate.

3. SCALES, HOW PROVIDED, ETC.] Each of said weighers so appointed shall provide his own scales, which shall be of the most approved patent in use, and shall locate them and keep them properly adjusted and repaired at their own expense.

4. ADJUSTMENT OF SCALES.] It shall be the duty of the weighers so appointed to have their scales adjusted and sealed by the sealer of weights and measures, at least once in every three months, and oftener if required. It shall further be their duty to weigh any coal, hay or grain, or any other article, when so requested by the person or persons bringing the same.

5. DEPUTIES, HOW APPOINTED.] The weighers so appointed shall have power to appoint all necessary deputies to attend said scales, and the official bonds of said weigher shall be holden and answerable for the acts of said deputies.

6. WEAHERS TO KEEP OFFICE.] Said weighers shall, either in person or by such deputy, be present at their individual scales during all reasonable hours each day during the term of their said offices, Sundays and public holidays excepted.

7. WEAHERS' FEES.] The said weighers shall be allowed to charge and receive ten cents for every load or part of a load, or other article of any kind or nature whatsoever, weighed by them, in addition to any revenue stamps that may be required, to be paid in every case by the person, firm or corporation for whom such service shall be performed.

CHAPTER 57.

WEIGHTS AND MEASURES.

SECTION.

1. Standard of weights prescribed.
2. Annual test of weights in city.
3. Duty of sealer of weights and penalty for violation.
4. Charges to be made by sealer of weights.
5. Tests of weights and measures to be made annually.

SECTION.

6. Penalty for use of unsealed weights.
7. Sealer to keep register and report.
8. Peddler's scales to be tested.
9. Use of dry measures regulated.

1. STANDARD WEIGHTS.] *Rev. Ord. 1866.* The comptroller, at the expense of the city, shall procure correct and approved standards of weights and measures of the standard adopted by the state of Illinois, with necessary subdivisions, together with the proper beams and scales, for the purpose of testing and proving the weights and measures of said standards used in the city.

2. TEST OF SCALES IN CITY.] It shall be the duty of the sealer of weights and measures, at least once in every year, to examine and test the accuracy of all weights, measures, scales or other instruments or things used by any person for weighing or measuring any article for sale in said city of Chicago; and to stamp with a suitable seal all weights, measures and scales so used which he may find correct, and deliver to the owner thereof a certificate of their accuracy. Any person refusing to exhibit any weights, measures or scales, or instruments for weighing or measuring, to said sealer for the purpose of examination and inspection as aforesaid, or obstructing him in the performance of his duty, shall forfeit a penalty of not less than five dollars nor more than ten dollars for each offense.

3. DUTY OF SEALER OF WEIGHTS—PENALTY.] It shall be the duty of said sealer of weights and measures to establish and keep an office within the limits of the city of Chicago, and to designate, by card or otherwise, the time during which he may be found in such office. If, upon examination, he shall find any weights, measures, balances or scales of any kind untrue, he shall immediately notify the owner or owners thereof, and any person or persons who shall, after such notice, use such untrue weights, measures, balances or scales, before the same shall have been adjusted and sealed by the sealer, shall forfeit and pay to the city, for each offense, a sum not less than fifty dollars nor more than one hundred dollars, with costs of prosecution, for each and every day they are so used after notification.

4. FEES.] The sealer of weights and measures shall be allowed to demand and receive of the person for whom he shall perform service the following fees and compensation:

For inspecting and sealing railroad or track scales of the capacity of twenty tons and upward, each, five dollars.

For inspecting and sealing scales of from three to ten tons capacity, each, one dollar and fifty cents.

For inspecting and sealing hay and coal scales, each, one dollar.

For inspecting and sealing dormant scales, each, seventy-five cents.

For inspecting and sealing depot scales, each, one dollar.

For inspecting and sealing movable platform scales, each, fifty cents.

For inspecting and sealing beams weighing one-thousand pounds and upward, each, fifty cents.

For inspecting and sealing beams weighing less than one thousand pounds, each, twenty-five cents.

For inspecting and sealing hopper scales, each, one dollar.

For inspecting and sealing counter scales, each, twenty-five cents.

For inspecting and sealing any kind of scales other than above enumerated, each, twenty-five cents.

And with each scale sealed by him, he shall inspect and seal one set of weights, without any additional charge or compensation.

For inspecting and sealing any dry measure, each, five cents.

For inspecting and sealing liquid measures of a capacity of five gallons and upward, each, ten cents.

For inspecting and sealing liquid measures of a capacity of not less than one gallon nor more than five gallons, each, seven cents.

For inspecting and sealing one-half gallon and one quart liquid measures, each, five cents.

For inspecting and sealing liquid measures of a less capacity than one quart, each, three cents.

For inspecting and sealing any board or cloth measure, each, five cents.

And in every case where he may, at the request of the owner, employ labor or material in making any scale, weight or measure accurate, he shall be entitled to a just compensation therefor.

5. WHEN TEST TO BE MADE.] It shall not be lawful for said sealer to make the aforesaid charges for inspecting and testing weights, measures and scales, as aforesaid, oftener than once in each year, unless the same shall be found not conformable to the standard of the state.

6. USE OF UNSEALED WEIGHTS—PENALTY.] No persons shall make use of any weight, scale, measure or other instrument for weighing or measuring any article for sale in the city, until the same has been examined and sealed by the sealer of weights and measures, under a penalty of not less than five dollars nor more than twenty-five dollars. All persons using weights, measures, scales or other instruments for measuring any article for sale in this city, which have been sealed, shall, upon application of the sealer of weights and measures, allow the same to be examined, tested and sealed as herein provided, under a penalty of not less than five dollars nor more than twenty-five dollars for failing so to do; and any person or persons altering any weights, measures or scales, causing the same to weigh or measure incorrectly, unless to repair, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars.

7. REGISTER OF SEALING—REPORT.] It shall be the duty of the sealer to make a regular register of all weights, measures, scales, beams and steelyards, or other instruments inspected by him, in which he shall set the names of the owners of the same, and whether they are conformable to the standard of the state. And it shall also be his duty to report to the common council the names of all persons whose weights, scale beams, steelyards are incorrect, and to deliver a copy of his said register to the clerk.

8. PEDDLERS' SCALES.] All itinerant peddlers and hawkers using scales, balances, weights or measures, shall take the same to the office of the sealer before using the same, and have the same sealed and adjusted annually; and any such person or persons failing to comply with the provision of this section, shall each forfeit and pay to the said city a sum of not less than five dollars nor more than one hundred dollars, with costs of prosecution for each and every day such person or persons shall use the same without having the same adjusted and sealed as hereinbefore provided.

9. DRY MEASURES, ETC.] Any person who shall sell, or offer for sale any fruit, vegetable, berries or grains of any description, or any article of dry measurement, within the city of Chicago, in wine measures or in any other than legal dry measures which shall have been sealed by the city sealer, whether of pint, quart, or other contents, or who shall practice deceit or fraud in the sale of wood or coal, by selling for a cord of wood less than one hundred and twenty-eight cubic feet of wood, or for a ton of coal less than two thousand pounds of coal, shall be subject to a fine of not less than five dollars, and not more than twenty-five dollars for each offense.

CHAPTER 58.

WHARFING PRIVILEGES.

SECTION.

1. Occupation of wharf lots regulated.

SECTION.

2. Permits to occupy to be in writing.

1. OCCUPATION OF WHARF LOTS.] *Ord. Mar. 19, 1852.* No person shall occupy, encumber or obstruct any portion of those parts of the streets of the city of Chicago called wharfing privileges, or any portion of a street adjoining the Chicago river, or either of its branches, with any building, lumber, stone or any other substance or material, without the authority and permission from the common council; and every owner of any building or wharf, or owner of any building or wharf, lumber or other substance or material which is now placed or remaining upon any portion of any such parts of said streets as are sometimes called wharfing privileges, or any portion of a street adjoining the Chicago river

of its branches, without the permission or authority of said council, shall remove the same from said portions of said streets, within ten days from the passage of this ordinance, and any person who shall be guilty of a breach of any provision of this chapter, or shall place any building, wharf, lumber, stone, or other substance or material, without special authority or permission from the common council, upon any of such portions of said streets, and every occupier of any such building or wharf, or owner of any such building, wharf, lumber, stone, or other material, who shall suffer the same to remain on any of such portions of said streets contrary to the provisions of this chapter, shall forfeit and pay to said city a penalty of twenty dollars for each day or part of day such building, wharf, lumber, stone, or other substance or material shall remain or continue upon any of such portions of said streets.

2. PERMITS TO BE IN WRITING.] The permission or authority required in the first section of this chapter shall be in writing, and no other shall be valid.

Passed January 20, 1873.

Approved January 23, 1873.

Published February 10, 11, 12, 13, 14 and 15, 1873.

PART II.

SPECIAL LAWS
AND
ORDINANCES.

SPECIAL LAWS AND ORDINANCES.

CHAPTER 1.

BENEVOLENT ASSOCIATION.

SECTION.
City of Chicago to pay over per-centage of insurance rates received.

SECTION.
2. Preamble of ordinance.
3. Comptroller ordered to pay over.

An act to incorporate the Benevolent Association of the Paid Fire Department of the city of Chicago, etc.

[Approved March 5, 1867.]

* * * * *

1. PER-CENTAGE OF INSURANCE RATES TO BE PAID TO.] SECTION 3.
The object of the association shall be to create a fund and provide means for the relief of the distressed, sick, injured and disabled members thereof and their immediate families; and all the property and money acquired by said association shall be held and used solely for that purpose; and the business, property, funds and estate of the said association shall be conducted and controlled according to the constitution, by-laws, rules and regulations above authorized: *And it is further provided*, that the one-eighth of the amount of all fire insurance rates now annually paid into the city treasury, to create a fund for the benefit of disabled or distressed firemen, who may become disabled while in the service of the city of Chicago, shall be annually paid by the comptroller of the city to the association, to be invested and held by them as a trust fund for the benefit of firemen who shall or may become disabled while in the service of the city.

* * * * *

Order for the payment of moneys into fund.

[Passed January 27, 1868.]

2. PREAMBLE.] WHEREAS, The legislature of the state of Illinois did, during the winter of 1867, pass an act entitled "An act to incorporate the Benevolent Association of the paid fire department of the city of Chicago, and for other purposes," which was approved March 5, 1867; and

WHEREAS, It is provided by section three of said act that one-eighth of the amount of all fire insurance rates, now annually paid into the city treasury,

to create a fund for the benefit of disabled and distressed firemen who may become disabled while in the service of the city of Chicago, shall be annually paid by the comptroller of the city to the said association; therefore, be

3. COMPTROLLER TO PAY OVER.] ORDERED, That the comptroller of the city of Chicago be, and he is hereby, ordered and directed to pay to the proper officer of said association one-eighth of the amount of all fire insurance rates now annually paid into the city treasury, to create a fund for the benefit of disabled or distressed firemen, who may become disabled while in the service of the city of Chicago, semi-annually, on or about the first day of February and August of each year.

CHAPTER 2.

BRIDGES.

SECTION.

1. Egan avenue bridge—Vacation of part of Egan avenue.
2. State street bridge—Conditional appropriation for.
3. Bids to be received.

SECTION.

4. Appropriation of bonds for.
5. Additional bonds to be issued.
6. Contract for authorized.
7. Twenty-second street bridge authorized—River to be docked.

An ordinance concerning the vacation of a part of Egan avenue, etc.

[Passed September 10, 1869.]

Be it ordained by the Common Council of the city of Chicago :

1. BRIDGES OVER CANAL—WHEN TO BECOME PUBLIC CHARGE.] SECTION 1. That as soon as "F" street shall have been opened or extended from its present western terminus in a straight line west to intersect with the north and south part of the canal, as shown on the plat hereto attached, and a new street shall have been opened and improved, running parallel with the east and west part of the canal as shown on the plat hereto attached, and about five hundred feet south thereof, commencing at Halsted street and running twenty-two hundred feet, more or less, west, as shown on the plat hereto attached, and said streets so extended and opened shall have been dedicated for public use, and a plat thereof, the same to be substantially as shown on the plat hereto attached, shall have been recorded, then that part of Egan avenue lying west of Halsted street, together, with the south seventy-five feet of Tucker, Gage, Laurel and Ullman streets, where the same intersect with said Egan avenue, as shown on the plat hereto attached, be and the same are hereby ordered vacated: *Provided*, it shall be the duty of the owners of property fronting on the canal shown on the plat hereto attached, to make said canal navigable for vessels of all description entering our harbor, and to so maintain it forever as a free canal, and to erect and maintain such swing bridges across said canal as may be necessary for con-

venience of the public: *Provided*, that in the event of the extension of the city south of said Egan avenue, the bridge or bridges shall become a public charge.

An ordinance for the construction of a bridge at State street.

[Passed March 23, 1863.]

Be it ordained by the Common Council of the city of Chicago:

2. **CONDITIONAL APPROPRIATION FOR STATE STREET BRIDGE.] SECTION 1.** That whenever a good and reliable subscription, to the amount of fourteen thousand dollars, for the building of a bridge across the Chicago river at State street, payable, the one-half on the execution of the contract, and the remaining half on the completion of the bridge, shall have been obtained and the right of way secured to the North side of the river, which shall be satisfactory to the city comptroller, that then the net proceeds of twelve bonds of one thousand dollars each, to be issued, as hereinafter provided for, be and are hereby appropriated from the city treasury to pay the remaining half of building the same.

3. **BIDS TO BE INVITED.] SEC. 2.** That the board of public works is hereby instructed to advertise, in the corporation newspaper, for bids for the building of a bridge across the Chicago river at State street, and in accordance with the plans and specifications to be prepared in the office of the said board of public works, which plans and specifications shall be submitted to the common council for approval.

4. **BONDS TO ISSUE.] SEC. 3.** That the mayor and comptroller are hereby authorized and directed to issue twelve bonds of one thousand dollars each, bearing interest at the rate of seven per cent. per annum, in accordance with and by authority of Section 66 of the charter amendment of February 18th, 1861, and Section 36 of chapter 5 of the act to reduce the city charter of Chicago into one act and to revise the same, approved February 13th, 1863, and to apply the proceeds of said bonds in carrying out the provisions of this ordinance.

An ordinance for the construction of a bridge at State street.

[Passed July 11, 1864.]

Be it ordained by the Common Council of the City of Chicago:

5. **ADDITIONAL BONDS AUTHORIZED.] SECTION 1.** That the mayor and comptroller be and are directed to issue three bonds of one thousand dollars each, bearing interest at the rate of seven per cent. per annum, in addition to the twelve bonds directed to be issued by said ordinance of March 23, 1863, and under the provisions of the sections of the city charter therein mentioned.

6. **CONTRACT FOR AUTHORIZED.] SEC. 2.** The board of public works shall proceed immediately to contract for the construction of said bridge.

Ordinance authorizing the construction of a bridge at Twenty-second street and the widening and docking of the river at that point.

[Passed February 7, 1870.]

Be it ordained by the Common Council of the City of Chicago:

7. **BRIDGE AUTHORIZED — DOCK-LINES ESTABLISHED.] SECTION 1.**

That the board of public works be and they are hereby authorized and directed to construct a pivot bridge across the south branch of the Chicago river at Twenty-second street according to plans to be approved by said board, and to construct a dock and to dredge out the earth so as to make the water of sufficient depth for navigable purposes upon the west side of said river, commencing at a point on the north line of west Twenty-second street one hundred and eighty-nine feet east of the east line of Lumber street, as now laid out, running thence, northeast to a point in the line between lots 8 and 9, block 35, canal trustees subdivision of southwest quarter, section 21, 39, 14 east, two hundred and seventeen feet east of the east line of Lumber street; and said board are further authorized to use so much of the appropriation made by the common council for that purpose June 28, 1869,* as may be necessary to complete said work.

CHAPTER 3.

CHICAGO PUBLIC LIBRARY.

SECTION.

1. Public library. how established — Tax for library fund.
2. Directors, how to be appointed.
3. Term of office of directors.
4. Vacancies, how to be filled.
5. Organization of directors—Expenditure of moneys—Appointment of assistants.
6. Library and reading room to be free—Offenders may be excluded.

SECTION.

7. Directors to report annually—What to report.
8. City council may provide penalties.
9. Donations, bequests etc., to vest in directors as special trustees.
10. Emergency clause.
11. Chicago public library established.
12. Board of public works to set apart a room.
13. When ordinance in force.

An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading-rooms.

[Approved March 7, 1872.]

1. LIBRARY MAY BE ESTABLISHED—TAX FOR.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly:* That the city council of each incorporated city shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar annually, and in cities of over one hundred thousand inhabitants, not to exceed one-fifth of one mill, annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the “library fund.”

2. DIRECTORS—HOW APPOINTED.] SEC. 2. When any city council shall have decided to establish and maintain a public library and reading-room, under this act, the mayor of such city shall, with the approval of the

* Appropriation ordinance.

city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office ; and not more than one member of the city council shall be at any one time a member of said board.

3. TERM OF OFFICE OF DIRECTORS.] SEC. 3. Said directors shall hold office, one-third for one year, one-third for two years, and one third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms ; and annually thereafter the mayor shall, before the first of July of each year, appoint, as before, three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

4. VACANCIES HOW FILLED.] SEC. 4. Vacancies in the board of directors occasioned by removals, resignation, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments ; and no director shall receive compensation as such.

5. ORGANIZATION OF DIRECTORS — CONTROL AND USE OF FUNDS.] SEC. 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations, for their own guidance and for the government of the library and reading-room, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund ; and of the construction of any library building ; and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose : *Provided*, that all moneys received for such library shall be deposited in the treasury of said city, to the credit of the library fund, and shall be kept separate and apart from other moneys of said city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings, for the use of said library ; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees ; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

6. LIBRARY AND READING-ROOM TO BE FREE.] SEC. 6. Every library and reading-room established under this act shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number ; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules.

7. DIRECTORS' ANNUAL REPORT.] SEC. 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council stating the condition of their trust on the first day of

CHAPTER 4.

CHICAGO ERRING WOMEN'S REFUGE, ETC.

SECTION.

1. Certain fines collected to be paid over to.
2. How to be drawn from city treasury.
3. Annual report of expenditures, etc., to be made.
4. When act in force.

SECTION.

5. Comptroller directed to pay over.
6. Payments not to be made to Erring Women's Refuge.

An act for the benefit of the Chicago Erring Women's Refuge for reform and the House of the Good Shepherd of Chicago.

[Approved March 31, 1869.]

1. CERTAIN FINES COLLECTED TO BE PAID.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly:* That all the fines collected by the city of Chicago from keepers, inmates and visitors of houses of prostitution, and from any person in any way connected therewith, shall be set aside by said city of Chicago for the sole use and benefit of the Chicago Erring Women's Refuge for reform and the House of the Good Shepherd, in said city, and shall be equally divided between said two institutions.

2. HOW THE MONEY SHALL BE DRAWN.] SEC. 2. The board of trustees of said Erring Women's Refuge, and the superior and assistant of said House of the Good Shepherd, shall have power to draw, monthly, upon said fund, by their respective checks—that of the former to be drawn by the president, and countersigned by the secretary, and that of the latter to be drawn by the superior, and countersigned by the assistant superior; said checks to be drawn upon the treasurer or other custodian having said moneys in control or possession.

3. ANNUAL REPORT.] SEC. 3. Each of the aforesaid institutions shall render an annual account of the expenditures and receipts to the common council of said city.

WHEN IN FORCE.] SEC. 4. This act shall take effect and be in force and after its passage.

Order to pay certain moneys.

[Passed May 31, 1869.]

COMPTROLLER TO PAY OVER FINES.] ORDERED: That the comptroller advance with the provisions of an act of the general assembly of this titled "An act for the benefit of the Chicago Erring Woman's Refuge and the House of the Good Shepherd of Chicago," approved March pay over all the fines collected by the city of Chicago from the

keepers, inmates and visitors of houses of prostitution, and from any person in any way connected therewith, to said institutions, since the passage of said act and hereafter, taking such receipts therefor as are provided for in said act.

Order to refrain from payment.

[Passed September 11, 1871.]

6. FURTHER PAYMENTS NOT TO BE MADE TO.] *Resolved*, That the comptroller be, and is hereby, ordered and directed not to pay any other or further sum of money, from whatever source received, to the "Erring Women's Refuge," it being hereby resolved and declared that no other or further sum of money shall be paid to said "Erring Women's Refuge" until the same shall be so ordered by this council.

CHAPTER 5.

CITY HALL.

SECTION.

1. Plans for a city hall to be advertised for.
2. Joint occupancy of public square assented to
—Premium for plans.
3. The arrangement of rooms.
4. Contract for joint occupancy to be prepared.

SECTION.

5. Mayor and comptroller authorized to contract with county.
6. The contract of the city of Chicago and county of Cook.

Order authorizing the reception of plans for a city hall.

[Passed June 14, 1872.]

1. PLANS TO BE INVITED FOR CITY HALL.] *ORDERED*: That the board of public works are hereby directed to advertise that plans, specifications and estimates of cost will be received at their office for a new city hall, and that the parties successful in submitting such plans, specifications and estimates, as shall be approved by the board and adopted by the common council, shall be entitled to receive therefor the sum of two thousand five hundred dollars, to be paid out of the contingent fund.

Resolutions in relation to a city hall.*

[Passed July 15, 1872.]

2. JOINT OCCUPANCY OF PUBLIC SQUARE—PREMIUM FOR PLANS.] *Resolved*, That it is the sense of this joint meeting that they will recommend to the common council of the city of Chicago and the board of commissioners

*These resolutions were adopted by the common council, the same being the resolutions reported by a committee of the common council authorized to act with a like committee of the board of county commissioners of Cook county.

Cook county, that the city of Chicago and county of Cook will authorize the building committees of the several boards to offer a prize of five thousand dollars (\$5,000) for the best plan ; two thousand dollars (\$2,000) for the second, and one thousand dollars (\$1,000) for the third best plan for a court house and city hall, to be erected jointly by the county of Cook and city of Chicago upon the public square, in the city of Chicago, the said plans to be submitted to the respective boards in conjunction with the board of public works of the city of Chicago.

3. APPORTIONMENT OF BUILDING.] *Resolved*, That on or before the first day of August the building committee of the county commissioners of Cook county, with the board of public works of the city of Chicago, prepare in detail, as nearly as possible, the number and size of the various rooms, court rooms and offices that may be wanted in the building to be erected, with the uses which is to be made of them ; such details to be handed over to the various architects that may desire to present plans in accordance with an advertisement hereafter to be made by the county of Cook and city of Chicago as soon as the details can be finally agreed upon.

4. CONTRACT FOR JOINT OCCUPANCY TO BE PREPARED.] *Resolved*, That the corporation counsel and county attorney are directed, under the general instructions of the respective committees on public buildings of the county and city, to draw a contract for the use of the west half of the court house square and the building to be erected thereon, said contract to be submitted to the common council and board of commissioners for consideration, amendment or ratification. The basis of said contract to be the existing rights and agreements of the respective municipal corporations in said court house square, the same to be modified to meet the future necessities of the situation.

Order authorizing a contract for joint occupancy of the public square.*

[Passed August 5, 1872.]

5. MAYOR AND COMPTROLLER AUTHORIZED TO CONTRACT WITH COOK COUNTY.] ORDERED: That the mayor and comptroller be, and they are hereby empowered, authorized and directed to enter into and carry out said agreement on the part of the city.

The following is the basis of the agreement.

WHEREAS, The county of Cook is the owner of block 39 in the original town of Chicago, commonly known as the court house square, bounded, by Randolph street on the north, by Clark street on the east, by Washington street on the south, and by LaSalle street on the west, subject to certain rights of the city of Chicago in the west half of said block, and it is desired that all former arrangements between the said city and said county, in reference to the same, shall be merged into a new agreement ; and, whereas, the city of Chicago proposes to erect a city hall for the public officers of said city, and the administration of its government, at some central point in said city where the public may be accommodated ; and, whereas, the board of commissioners of Cook county propose to erect on said block a court house for the courts of Cook county, and the public offices connected with the administra-

*This order was attached to a report of the committee on public buildings of the common council, presented July 22, 1872.

tion of the affairs of the county ; and, whereas, it is for the convenience of the public and all persons who desire to transact business with public officers that the courts and all officers connected with the affairs of Cook county and the city of Chicago should be located at some one convenient point and readily accessible to each other ; therefore,

Resolved, That an agreement be entered into by, and on the part of, the board of commissioners of Cook county, representing said county, of the one part, and the city of Chicago of the other part, whereby,

1. The said parties will join in the erection of a public building on said block 39, for the use of the county and city governments respectively and the courts of record of said county.

2. The general exterior design of said building shall be of a uniform character and appearance, as may hereafter be agreed upon by the board of county commissioners and the common council of the city of Chicago.

3. That portion of said building situated west of the north and south center line of said block shall be erected by the city of Chicago at its own expense.

4. The city of Chicago shall occupy that portion of said block west of said center line for a city hall and offices incidental to the administration of the city government and for no other purpose whatsoever, except as hereinafter provided.

5. Each of the parties hereto will heat, light, and otherwise maintain and furnish its own portion of said building.

6. The necessary expense of improving the grounds around said building, and maintaining the same, shall be paid equally by said city and county.

7. The said agreement shall contain a covenant, on the part of the county, that said city of Chicago shall have the control and occupancy of the said west half of said block, for the said city hall and public offices incidental to the government of said city, without hindrance, henceforth, forever : *Provided*, that whenever the city of Chicago shall cease to use the same for the purpose aforesaid, or shall rent the same, or any portion thereof, for any other purpose than herein specified, then the said county shall have the right to resume possession thereof, and, in such case, the said city shall forfeit all its rights therein, and this contract shall be null and void ; but no forfeiture shall be incurred by the use of the same for supreme court purposes, if the city should desire to so use the same.

8. The mayor and comptroller shall be, and they are hereby, authorized and empowered to execute such agreement for and in behalf of the city of Chicago, attested by the city clerk and the seal of the city, and the same, when executed on the part of the county of Cook by its proper officers, shall be binding to the extent and for the purposes hereinbefore set forth.

Contract of the city of Chicago and county of Cook.

[Executed August 28, 1872.]

6. CONTRACT ENTERED INTO AS TO JOINT OCCUPANCY OF PUBLIC SQUARE.] This agreement, made and entered into this twenty-eighth day of August, A. D. eighteen hundred and seventy-two, by and between the board of county commissioners of Cook county, representing said county, party of

arrangements between said city and said county in reference to the same shall be merged into a new agreement; and,

Whereas, The city of Chicago proposes to erect a city hall, for the public use of said city and the administration of its government, at some central point in said city where the public may be accommodated; and,

Whereas, The board of commissioners of Cook county propose to erect, on said block, a court house for the courts of Cook county and the public offices connected with the administration of the affairs of the county; and,

Whereas, It is for the convenience of the public and of all persons who may transact business with public officers that the courts and all offices connected with the administration of the affairs of the county of Cook and the city of Chicago should be located at some one convenient point, and be accessible to each other; therefore,

Resolved, That an agreement be entered into by and on the part of the board of commissioners of Cook county, representing said county, of the one part, and the city of Chicago of the other part, whereby,

The said parties shall join in the erection of a public building in said block for the use of the county and city governments respectively, and the same be of record of said county.

The general exterior design of said building shall be of a uniform character and appearance, as may hereafter be agreed upon by the board of commissioners and the common council of the city of Chicago.

That portion of the said building situate west of the north and south line of said block shall be erected by the city of Chicago at its own expense.

The city of Chicago shall occupy that portion of said block west of the north line for a city hall and offices incidental to the administration of its government, and for no other purpose whatever, except as hereinafter provided.

Each of the parties hereto will heat, light and otherwise maintain and repair its own portion of said building.

The necessary expense of improving the grounds around said building and maintaining the same, shall be paid equally by the said city and

for the purposes aforesaid, or shall rent the same, or any portion thereof, for any other purposes than herein specified, then the said county shall have the right to resume the possession thereof, and in such case the said city shall forfeit all its rights therein, and this contract shall be null and void, but no forfeiture shall be incurred by the use of the same for supreme court purposes, if the city should desire to so use the same.

“8. The president of the board of Cook county commissioners, together with the building committee and the county clerk, attested by the seal of the county court of Cook county, shall be, and they are hereby, authorized and empowered to execute such agreement for and in behalf of the board of county commissioners of Cook county, and the same, when executed by and on behalf of the city of Chicago, by its proper officers, shall be binding on the parties respectively to the extent and for the purposes hereinbefore set forth.”

And whereas, heretofore, to-wit : on the fifth (5th) day of August, A. D. eighteen hundred and seventy-two, the common council of the city of Chicago, also adopted the said preamble and resolutions, modifying the same only to the extent that the agreement therein referred to should be executed on the part of the city of Chicago by the mayor and comptroller and the city clerk, and attested under the corporation seal of said city.

Now, therefore, in consideration of the premises and the benefits that will result to the parties respectively, and the convenience the public will derive, by reason of locating in one building the courts of record of Cook county and all public offices connected with the administration of the affairs of the county of Cook and city of Chicago, it is hereby agreed as follows, to-wit :

1. That the parties hereto will join in the erection of a public building on block thirty-nine in the original town of Chicago, for the use of the county and city governments and the courts of record of said county.

2. The general exterior design of said building shall be of a uniform character and appearance, as may be hereafter agreed upon by the board of county commissioners and the common council of the city of Chicago.

3. That portion of said building situate west of the north and south center line of said block shall be erected by the city of Chicago, at its own expense.

4. That the city of Chicago shall occupy that portion of said block, west of said center line, for a city hall and offices incidental to the administration of the city government, and for no other purpose whatsoever, except as hereinafter provided.

5. That each of the parties hereto will heat, light and otherwise maintain and furnish its own portion of said building.

6. That the necessary expense of improving the grounds around said building and maintaining the same shall be paid equally by said county and city.

And, it is hereby covenanted and agreed by and on the part of the said party of the first part that the said city of Chicago shall have the control and occupancy of the said west half of said block for the said city hall and public city offices, incidental to the government of said city, without hindrance, henceforth and forever : *Provided*, that whenever the city of Chicago shall cease to use the same for the purposes aforesaid, or shall rent the same or

any portion thereof for any other purposes than herein specified, then the said county shall have the right to resume possession thereof, and in such case the said city shall forfeit all its rights therein and this contract shall be null and void; but no forfeiture shall be incurred by the use of the same for supreme court purposes if the city should desire to so use the same.

In witness whereof, the parties hereto have caused these presents to be executed, for and on the part of the party of the first part, by the president of the board of Cook county commissioners, the committee on public buildings of said board and the county clerk, and attested by the seal of the county court of Cook county; and for and on the part of the said party of the second part, by the mayor and comptroller with the city clerk, and attested by the corporation seal of the city of Chicago the day and year first above written.

JULIUS WHITE,
President Board of Cook County Commissioners.

S. ASHTON,
CHRISTIAN WAHL,
JOHN CRAWFORD,
J. H. PAHLMAN,
Committee on Public Buildings.

[Seal of County Court.]

G. W. WHEELER,
County Clerk pro tem.

[Seal of City.]

JOSEPH MEDILL,
Mayor of the city of Chicago.
A. H. BURLEY,
Comptroller.

C. T. HOTCHKISS, *City Clerk.*

CHAPTER 6.

COUNTY JAIL AND CRIMINAL COURT.

SECTION.

1. Preamble.
2. Necessity of a building resolved.
3. North market hall lot suitable for.

SECTION.

4. Lot tendered to county on conditions.
5. Conveyance of the north market hall lot to Cook county.

Resolutions in relation to a county jail and criminal court room.*

[Passed February 26, 1872.]

1. PREAMBLE.] WHEREAS: It is absolutely necessary that a jail and criminal court room should be constructed, and the subject matter thereof

*This preamble with resolutions constituted a part of the report of the committee on county relations of the common council, reported to the common council February 5, 1872.

having been referred to the committee on city relations of the board of Cook county commissioners and the committee on county relations of the city of Chicago, and the subject matter being under consideration before said committee in joint session ; therefore,

2. NECESSITY OF A BUILDING.] *Resolved*, That it is the sense of said joint committee that such a building should be constructed at the earliest practicable time, sufficient for the present and future wants of the county of Cook.

3. NORTH MARKET HALL LOT SUITABLE.] *Resolved*, That the county of Cook is not the owner of a piece of ground in the city of Chicago suitable for such a purpose, and the city of Chicago being the owner of the lot of ground known as the north market hall lot, which is believed to be a suitable and proper location for such a building and offices incidental thereto, the said joint committee would therefore recommend that said building be constructed on said lot.

4. LOT TENDERED TO COOK COUNTY—CONDITIONS.] *Resolved*, That, for the purpose of fully carrying out the foregoing, said committee would recommend that the city of Chicago give the use of said lot to the county of Cook for said purpose, upon condition that said building shall be so used, and that the city shall at all times have the right, by application to the proper court, to enforce the observance of this condition, and the said county, in consideration thereof, shall construct at its expense, within a reasonable time, said building to be used for the purpose aforesaid: *Provided*, that nothing herein contained shall be so construed as to admit any liability of the city of Chicago for any portion of the expense of the criminal court of Cook county.

Conveyance of the city of Chicago to the county of Cook.

[Executed July 31, 1872.]

5. DEED OF GIFT OF CHICAGO TO THE COUNTY OF COOK.] WHEREAS: On the first day July, A. D. 1872, the following preamble and resolutions were adopted by the board of county commissioners of Cook county, in the state of Illinois, to-wit :

Whereas, Heretofore, to-wit: on the 26th day of February, 1872, the common council adopted a resolution granting to the county the use of the north market lot for a criminal court and jail ; and, whereas, the commissioners are of the opinion that it will be more satisfactory to the public, and for the purpose of having a record thereof, that the mayor or other proper officers shall be authorized on the part of the city to execute to the county an instrument in writing setting forth the terms of such occupancy according to the resolution aforesaid ; therefore,

Resolved, That the common council be respectfully requested to adopt such a resolution as will give such authority to the mayor or other officers.

Resolved, That the clerk be, and hereby is, directed to present to the council a copy of the foregoing resolution:

And, whereas, pursuant to the request contained in the foregoing resolution, the common council of the city of Chicago did, on the twenty-fifth day of July, A. D. 1872, adopt the following resolution, viz: *Resolved*, That the mayor and the city comptroller be, and they are hereby, authorized and directed,

for and on the part of the city and under the corporate seal, to execute and to deliver to the county of Cook an instrument in writing, giving and granting to the county of Cook the use of the said north market lot, being said lot in said block seven (7), for the purpose of a criminal court and jail, upon the terms and conditions set forth and contained in the preamble and resolution, such instrument or conveyance to be upon the express condition that the land and its appurtenances shall revert to the city of Chicago, its successors or assigns, if such land shall be used for any other than the said purposes.

Now, therefore, pursuant to the authority contained in said resolution of said common council, and for the purpose of giving effect to the same, the said city of Chicago does hereby give and grant unto said county of Cook and to its successors, for the purposes of a criminal court and jail, the use of the following described lots of land, to-wit: Lots numbered ten (10), eleven (11), twelve (12), thirteen (13), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) in block number seven (7), in Wolcott's addition to Chicago, in said county of Cook and State of Illinois; and said county of Cook is hereby authorized to use the above described premises for a criminal court and county jail, and for no other purposes whatever, such use to continue forever: *Provided, however, and this grant is upon the express condition*, that if said county shall at any time cease to use said premises for said purposes, or shall use or permit the same to be used for any purpose other than that above named, or shall rent the same or any portion thereof, this grant shall become null and void and of no effect, and said city shall have the right to take immediate possession of said premises, with the appurtenances, and to use the same for any purpose which said city may be authorized to use the same.

In witness whereof, the said city of Chicago has caused these presents to be signed by its mayor and comptroller, and the seal of said city to be hereto affixed this thirty-first day of July, A. D. 1872.

JOSEPH MEDILL, *Mayor*.

A. H. BURLEY, *Comptroller*.

[Seal of City.]

Attest: C. T. HOTCHKISS, *City Clerk*.

proper and necessary respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and election of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the city of Chicago and its inhabitants with gas, for the purpose of affording light, for ten years.

An act to amend an act entitled "An act to incorporate the Chicago Gas Light and Coke Company."

[Approved February 9, 1855.]

4. INCREASE OF CAPITAL STOCK—REMOVAL OF LIMITATION.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly:* The Chicago Gas Light and Coke Company is hereby authorized to increase the capital stock of said company one million of dollars, at such times and in such manner as the board of directors shall from time to time direct. Said company is, also, authorized to borrow such an amount of money for the purpose of constructing, carrying on and completing its works, upon such terms as the board of directors shall judge best, and, for such purpose, may issue its bonds and mortgage its property; and all bonds heretofore issued for such purpose, and all mortgages executed to secure the same by the said company, are hereby legalized. Said company shall also have the right to purchase and hold such an amount in value and extent of real estate, in the city of Chicago, as may be necessary for its business, and to carry out the objects of its incorporation.

5. REPEALING CLAUSE.] SEC. 2. So much of the act to which this is an amendment, as conflicts with this act, is hereby repealed. This act shall take effect from and after its passage.

Order authorizing contract with Chicago Gas Light and Coke Company.

[Passed May 31, 1869.]

6. A CONTRACT WITH THE COMPANY AUTHORIZED.] ORDERED: That the mayor and comptroller be, and they are hereby, authorized and directed to make and execute a contract, in behalf of the city of Chicago, with the Chicago Gas Light and Coke Company, to furnish all the street lamps and all the public offices and other buildings belonging to the city where gas is required, along the lines of the gas mains of the said company, in the north and south divisions of said city, with illuminating gas, for the term of ten years from the thirteenth day of May, 1869, upon such terms and conditions as the said mayor and comptroller may think best: *Provided*, that the price to be paid shall not exceed two dollars and seventy-five cents (\$2.75) per 1,000 cubic feet, exclusive of government tax.

THE PEOPLE'S GAS LIGHT AND COKE COMPANY.

SECTION.

1. The People's Gas Light and Coke Company incorporated.
2. Object of the company—Right to manufacture and sell gas—Proviso and limitations.
3. Capital stock limited.
4. Provision of act—Limit of price for gas.
5. Authority given to lay mains, etc.—Proviso.
6. Limitation as to right to hold realty removed.

SECTION.

7. Power to increase capital stock.
8. Directors, how chosen—Vacancy, how filled—Common Council to regulate price of gas.
9. Right to borrow money and alienate realty, etc.
10. Act declared to be public.
11. Price of gas declared.
12. Contract for gas works at house of correction authorized.

An act to incorporate The People's Gas Light and Coke Company.

[Approved February 12, 1855.]

1. THE COMPANY INCORPORATED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly:* That Matthew Laflin, L. C. Paine Freer, A. G. Throop, D. A. Gage, John S. Wallace, George W. Snow, H. B. Bay, and R. H. Foss, and their associates, be, and they are hereby, created a body politic and corporate, with perpetual succession, by the name and style of "The People's Gas Light and Coke Company," and by that name they and their successors shall be capable in law of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters and places whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

2. RIGHT TO MANUFACTURE AND SELL GAS—PROVISO.] SEC. 2. The corporation hereby created, shall have full power and authority forthwith, upon their due organization under this act, to proceed to the erection of the necessary works for the manufacture of gas and coke within said city of Chicago, and, on and after the 12th day of February, A. D. 1859, to manufacture and sell gas, to be made from any or all the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Chicago, or the streets thereof, and any buildings, manufactories, public places or houses therein contained, and to erect all necessary works and apparatus as aforesaid; and on and after the said 12th day of February, 1859, or sooner, by and with the consent of the Chicago Gas Light and Coke Company, to lay pipes for the purpose of conducting the gas in any of the streets or avenues of said city, with the consent of the city council: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway in said city. The real estate which this corporation is entitled to hold, shall not exceed in value one hundred thousand dollars.

3. CAPITAL STOCK.] SEC. 3. The capital stock of said company shall not exceed five hundred thousand dollars, to be subscribed for and paid in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary respecting the management and disposition of the stock, property and estate of said company, the duties of the officers and agents to be employed, the

number and election of directors, and all such matters as appertain to the concerns of said company.

4. LIMIT OF PRICE FOR GAS.] SEC. 4. It is an express provision of the foregoing act of incorporation, that the said company shall furnish and supply to the city of Chicago, for all its public uses, at the election of the proper authorities of said city, a sufficient supply of gas, at a rate not exceeding two dollars per thousand feet; and the inhabitants of said city at a rate not exceeding two dollars and fifty cents per thousand feet.

An ordinance concerning The People's Gas Light and Coke Company.

[Passed August 30, 1858.]

Be it ordained by the Common Council of the City of Chicago:

5. AUTHORITY TO LAY MAINS, ETC.—LIMITATION OF POWER.] SECTION 1. That permission and authority be, and the same are hereby, granted to The People's Gas Light and Coke Company, of the city of Chicago, and state of Illinois, to lay their gas mains, pipes, feeders and service pipes, in any of the streets, alleys, avenues, highways, public parks or squares, throughout said city, subject at all times, however, to the resolutions and ordinances of the common council of said city: *Provided*, that said company, when they shall open the ground to lay any pipe, or for any other purpose whatever, they shall restore the streets, pavements and sidewalks to a condition satisfactory to the city superintendent, with all convenient dispatch, and no more of any street or alley shall be opened or encumbered at any one time or in any one place, nor shall any street or alley be suffered to remain open or encumbered for a longer period than shall be strictly necessary to enable said company to proceed with their work; and said company shall be liable for all damages which may result from or by reason of opening or encumbering any street, alley or sidewalk in said city of Chicago: *And provided, further*, that whenever said company shall desire to lay their pipes, or do other work in any of the principal streets of said city, before they commence doing so they shall consult the mayor or city superintendent of public works, and unless the mayor or superintendent consent to such work being done at the particular time, they shall not proceed with such work on any such principal street, without the express permission of the common council of said city of Chicago: *And provided, further*, that nothing herein contained shall be construed to conflict with any rights or privileges heretofore given by the common council to the Chicago Gas Light and Coke Company, or in conflict with the provisions contained in the act of incorporation of The People's Gas Light and Coke Company, to first obtain the consent of the Chicago Gas Light and Coke Company, if pipes are laid previous to February 12th, A. D. 1859.

An act to amend an act entitled "An act to incorporate The People's Gas Light and Coke Company," approved February 12, 1855.

[Approved February 7, 1865.]

6. LIMITATION OF REALTY REMOVED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly:* That the second section of said act be, and the same is hereby, so amended

as to read as follows, viz: The corporation hereby created shall have full power and authority forthwith to proceed to the erection and maintenance of the necessary works for the manufacture of gas and coke within said city of Chicago, and to manufacture, supply and sell gas, to be made from any and all substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purpose of lighting the city of Chicago, any streets, buildings, manufactories, public places or houses therein contained; and to erect and use all necessary works and apparatus for such purposes aforesaid, and, with the consent of the common council of said city, to lay down and use all necessary pipes for the conducting of gas in and along any of the streets, alleys, avenues or public squares of said city: *Provided*, that no permanent injury or damage shall be done to any such street, alley, avenue or public square, by the laying down of any such pipes.

7. POWER TO INCREASE CAPITAL STOCK.] SEC. 2. That section three of the said act be, and the same is hereby, so amended as to read as follows, viz: The capital stock of said company shall be five hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation; it may be divided into such shares, subscribed for, paid and transferred, in such proportions and manner as shall be prescribed by the by-laws and regulations of said company.

8. DIRECTORS HOW CHOSEN, ETC.—REGULATION OF PRICE OF GAS.] SEC. 3. All the corporate powers of said corporation shall be vested in, and exercised by, a board of directors, and such officers and agents as said board shall appoint. The board of directors shall consist of not less than three nor more than five stockholders, who shall be chosen by the stockholders at such time and in such manner as the said corporation shall, by its by-laws, prescribe, and shall hold their office until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may adopt such by-laws, rules and regulations for the government of said corporation, and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state. And the fourth section of said act is hereby repealed; but ten years after the passage of this act, the common council of the city of Chicago may, by resolution or ordinance, regulate the prices charged by said company for gas, but said common council of the city of Chicago shall, in no case, be authorized to compel the said company to furnish gas at a less rate than three dollars per thousand feet.

9. POWER TO BORROW MONEY.] SEC. 4. The said company is hereby authorized to borrow money, and to mortgage or lease any of its property or franchises.

10. PUBLIC ACT.] SEC. 5. This act shall be deemed a public act, and noticed as such by all courts, without pleading, and take effect from and after its passage.

Resolution fixing price of gas.

[Passed September 10, 1869.]

11. PRICE OF GAS FIXED.] Resolved, That the price allowed to The People's Gas Light and Coke Company for the gas furnished to the city for th

fiscal years ending April 1, 1865, April 1, 1866, April 1, 1867, April 1, 1868 and April 1, 1869, respectively, be and the same is hereby continued for the fiscal year ending April 1, 1870, and until otherwise ordered.

Gas for the house of correction.

[Passed May 15, 1871.]

12. CONTRACT FOR GAS WORKS AT THE HOUSE OF CORRECTION AUTHORIZED.] ORDERED : That the mayor, comptroller and board of public works are hereby authorized and directed to contract with the People's Gas Light and Coke Company for the erection of coal gas works at the new city bridewell, as per conditions and proposals made by A. M. Billings, president of said company, dated May 9, 1871, and hereto annexed.

Office of People's Gas Light and Coke Co.,
Chicago, May 9, 1871.

To the Committee on City Bridewell, Gas, etc.

Gentlemen :

This company will erect and build at the new city bridewell a good and sufficient coal gas works, of ample capacity to furnish the bridewell with gas for all the lights it may require, to the satisfaction of the city authorities for the sum of six thousand five hundred (6,500) dollars, said works to be put in operation as soon as best skilled labor can erect the same.

Respectfully submitted,

A. M. BILLINGS, Pres't.

CHAPTER 8.

HARBOR.

SECTION.

1. Appropriation for its improvement made.
2. Temporary loan authorized.
3. Extension of north pier—Preamble.
4. Extension of north pier ordered.

SECTION.

5. Temporary loan authorized.
6. Balance of fund how to be expended.
7. Ordinance of August 11, 1864, repealed.

An ordinance providing for the improvement of the harbor.

[Passed August 11, 1864.]

Be it ordained by the Common Council of the city of Chicago :

1. APPROPRIATION TO IMPROVE.] SECTION 1. That to provide for the expenses of the improvement of the harbor, the sum of seventy-five thousand dollars is hereby appropriated from the city treasury, said improvement to be made under the direction of the board of public works, according to plans and specifications to be prepared by said board.

2. TEMPORARY LOAN AUTHORIZED.] SEC. 2. That the mayor and comptroller are hereby authorized and directed to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000) for a space of time not ex-

ceeding the close of the next municipal year, and to apply the proceeds of said loan to the purposes of the foregoing section.

An ordinance providing for the extension of the north pier at the entrance to the harbor.

[Passed September 19, 1864.]

3. PREAMBLE.] WHEREAS, Serious obstructions have been occasioned in the old channel at the mouth of the Chicago river, by natural and accidental causes, since the annual appropriation was made by the common council in June last, and immediate steps are required to be taken for the preservation and security of the new channel now being cut through the bar at the entrance to the harbor; therefore,

Be it ordained by the Common Council of the city of Chicago:

4. NORTH PIER ORDERED EXTENDED.] SECTION 1. That the north pier at the entrance of the harbor be, and the same hereby is, ordered to be extended out into Lake Michigan a distance not exceeding four hundred feet, said work to be done under the superintendence of the board of public works, according to plans and specifications now on file in their office.

5. TEMPORARY LOAN AUTHORIZED.] SEC. 2. That the mayor and comptroller be, and they are hereby, authorized and directed to borrow a sum of money not exceeding seventy-five thousand dollars (\$75,000) for a space of time not exceeding the close of the next municipal year, to defray the expenses of said improvement.

6. BALANCE OF FUND—HOW TO BE EXPENDED.] SEC. 3. Any balance of the aforesaid loan, that may remain in the city treasury after the completion of the payment for the said pier hereby ordered, shall be, and the same hereby is, appropriated to the payment of the expenses incurred in opening the new channel now being cut through the bar at the entrance to said harbor.

7. REPEALING CLAUSE.] SEC. 4. The ordinance entitled “An ordinance providing for the improvement of the harbor,” passed by the common council August 11th, 1864, is hereby repealed.

CHAPTER 9.

HEALTH DEPARTMENT.

SECTION.

1. Permit required before cleaning privy vaults.
2. Permit required before removing swill.
3. Permit required before constructing privy vaults.
4. Births and deaths to be registered—What the register shall contain.
5. Copy of register to be returned to board.
6. Coroner to make return of inquests held.
7. Interments not to be made without permit.
8. Physicians to register with board.
9. Unwholesome vegetables, etc., not to be stored—To be condemned.
10. Privy vaults to be disinfected, when.
11. Day scavengers only to collect garbage, etc.
12. Children to be vaccinated before entering schools.
13. Penalty for selling unsound meat, etc.
14. Maimed and diseased animals not to be slaughtered, etc.
15. Sale of diseased meat prohibited.
16. Sale of unwholesome provisions prohibited.
17. Manner of carrying meat prescribed.
18. Manner of carrying bones and grease prescribed—Vehicles not to stand.
19. Penalties.
20. Carriage of dead animals, etc.—Manner of.
21. Penalty.

SECTION.

22. Regulations for the sale of kerosene, etc.—Caution.
23. Dealers in burning-fluids to register.
24. When "skimmed milk" may not be sold.
25. Preamble, regulation of distilleries, etc.
26. Distilleries, slaughter houses, etc., prohibited in certain limits.
27. When and where rendering is prohibited.
28. No distilleries, rendering houses, etc., without permit.
29. Limit of cattle to be allowed in city limits.
30. Publication of regulations.
31. Small pox—Compulsory removal of patients.
32. Slaughtering and rendering—Enacting clause of by-law relating to.
33. House to be kept clean.
34. Offal to be removed.
35. Form of rendering tanks prescribed.
36. Manner of use of rendering tanks.
37. Removal of tank offal.
38. Removal of blood, etc.
39. Decayed flesh, etc., not to be rendered.
40. Houses open to inspection.
41. Forfeiture of permit.
42. Penal clause.
43. Vaccination—In houses infected.
44. Penalty—Refusing vaccination.

By-law in relation to scavengers, etc.

[Adopted May 24, 1867.]

1. **CLEANING OF PRIVIES—PERMIT REQUIRED.]** ORDERED: That after June 1st, 1867, no privy in this city shall be cleaned without a permit from the health officer.

2. **REMOVAL OF SWILL REGULATED.]** On and after June 15th, 1867, no person shall remove swill from this city without a permit from the board of health; and only in covered, water-tight wagons or carts.

By-laws as to privy vaults.

[Adopted May 27, 1867.]

3. **CONSTRUCTION OF PRIVY VAULTS REGULATED.]** On and after June 15, 1867, no privy vault shall be constructed without a permit from the board of health, which shall stipulate how said privy vault shall be constructed.

By-law for the registration of births and deaths.

[Adopted June, 1867.]

4. **REGISTRATION OF BIRTHS AND DEATHS.]** SECTION 1. On and after

Contents shall be thoroughly disinfected before removing the contents of the same.

By-law in relation to scavengers.

[Adopted November 5, 1867.]

11. WHO MAY COLLECT GARBAGE.] On and after the fifteenth instant all permits given to private scavengers shall be revoked and the following regulations be adopted: That no person or persons shall collect garbage from the streets or alleys except those with whom the board of health of the city of Chicago has already or shall hereafter contract to do said work, to-wit: the day scavengers.

By-law in relation to vaccination.

[Adopted November 12, 1867.]

12. VACCINATION PRESCRIBED.] On and after the first of December next, no child shall be received or retained in the public or private schools of this city who has not been vaccinated. The evidence of vaccination shall be the presentation of a certificate signed by the family physician, or by a sanitary inspector of this board.

By-law in relation to unsound meats, etc.

[Adopted May 26, 1868.]

13. PENALTY FOR SELLING UNSOUND MEATS, ETC.] For the further maintenance of the public health, it is ordered that, if any person shall, on and after June 10, 1868, sell or expose for sale in any market-house or elsewhere in said city, any emaciated, tainted or putrid meat or provisions, which for these or other causes may be deemed unwholesome, such person shall, on conviction, be fined not less than five nor more than five hundred dollars for each and every offense, and it shall be the duty of the sanitary superintendent or health officer to forthwith seize and confiscate all such meat or provisions.

By-law in relation to diseased animals, etc.

[Adopted July 7, 1869.]

14. MAIMED AND DISEASED ANIMALS EXCLUDED.] First. That it shall be unlawful for any person or persons to drive, or bring, or slaughter within the limits of the city of Chicago, any animal which is maimed, bruised, afflicted with swellings, sores, or disease of any kind or nature.

15. SALE OF DISEASED MEAT PROHIBITED.] Second. It shall also be unlawful for any person or persons to bring, sell or expose for sale, the meat or flesh of any such animal or animals, within the limits of said city.

16. UNWHOLESOME FOOD NOT TO BE SOLD.] Third. It shall also be unlawful for any person or persons to expose for sale, within the limits of said city, any emaciated, tainted, putrid, decayed, decaying, unwholesome or diseased meat, vegetables, fruit, butter or provisions of any kind.

17. CARRIAGE OF MEAT—MANNER OF.] Fourth. On or after the twentieth day of July, A. D. 1869, it shall be unlawful for any dealer, or his agent or servant, to transport any fish, beef, veal, pork, mutton, or meat of

any kind, through any street, alley, or public places within the limits of said city of Chicago, between the hours of five o'clock in the forenoon and nine o'clock in the afternoon of any day without entirely covering the same with some material impervious to blood, and which shall altogether conceal it from view. This by-law or regulation shall be held and construed to include retail dealers in the delivery of small quantities to their customers and others, and also to wholesale dealers and others in the transportation of slaughtered animals, or parts thereof, from the slaughter-houses to the markets, and other places where the same are exposed to sale.

18. COLLECTION OF BONES AND GREASE.—MANNER OF.] Fifth. It shall also be unlawful for any person or persons engaged in gathering bones and grease from the markets, or other places, in the said city, to transport, haul or carry the same through the streets, alleys and public places therein, without having the wagon, cart or vehicle, in which the same is so carried or hauled, tightly and securely covered, to the satisfaction of the health officer; nor shall any such wagon, cart, or vehicle, be suffered to stand in or upon any street, alley or public place, at any time, longer than shall be sufficient to transact such business, and, in any case, not to exceed fifteen minutes.

19. PENAL CLAUSE.] Sixth. Any person or persons who shall violate any of the provisions of the aforesaid by-laws or regulations, shall be subject to a fine of not less than five, nor more than five hundred dollars, for each and every violation thereof, to be enforced in accordance with the provisions of section ten of chapter four of an act approved March 9, 1867, entitled "An act supplementary to an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act and to revise the same. approved February 13, 1863, and the several amendments thereto."*

By-law as to transportation.

[Adopted August 4, 1869.]

20. CARRIAGE OF DEAD ANIMALS, ETC.—MANNER OF.] That it shall be unlawful for any person or persons engaged in gathering bones and grease or dead animals, from the markets or other places, in the said city, or for any person to transport, haul or carry the same through the streets, alleys and public places therein, without having the wagon, cart or vehicle in which the same is so carried or hauled, tightly and securely covered, to the satisfaction of the health officer; nor shall any wagon, cart or vehicle be suffered to stand in or upon any street, alley or public place, at any time, longer than shall be sufficient to transact such business, and, in any case, not to exceed fifteen minutes.

21. PENALTY.] Any person or persons who shall violate any of the provisions of the aforesaid by-law or regulation, shall be subject to a fine not less than five, nor more than five hundred dollars, for each and ever

*SEC. 10. Any person or corporation who shall violate any of the provisions of the health laws or ordinances of the city, or any of the by-laws, rules or regulations of the board of health, in addition to existing penalties, shall be subject to a fine of not less than five dollars, nor more than five hundred dollars, and on failure to promptly pay the same, may be imprisoned in the county jail, bridewell or house of correction, as in other cases of failure to pay a fine, or such person may be both fined and imprisoned in the discretion of the court or magistrate.

violation thereof, to be enforced in accordance with section ten of chapter four of an act approved March 9, 1867, entitled "An act supplementary to an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same, approved February 13, 1863, and the several amendments thereto."

By-law concerning the sale of kerosene, etc.

[Adopted January 4, 1870.]

22. SALE OF BURNING-FLUIDS AND OIL REGULATED.] First. That on and after January 15, 1870, it shall be unlawful for any person or persons to sell any oil, kerosene, petroleum, burning-fluid, or other fluid intended for the purposes of illumination, without attaching to each package, bottle, can, or other vessel containing the same, the following caution: "Do not attempt to light a fire with this oil. Do not fill the lamp while it is burning, or at night. A lamp in daily use should be cleaned occasionally and all the oil removed from it, by daylight and not at night. Fill the lamp with oil daily. Do not place the oil near the fire, or where there is more than usual heat. Keep it in a cool place. Neglect of the above directions may result in the loss of your life and property."

23. REGISTRATION OF DEALERS.] Second. On and after January 15, 1870, it shall be unlawful for any person or persons engaged in the selling of kerosene oil, petroleum, or other fluid intended for illuminating purposes, to continue in the same without having first registered with this board the name or title of the firm, and street and number of the location of the same.

By-law in relation to the sale of milk.

[Adopted May 17, 1870.]

24. SALE OF SKIMMED MILK—MANNER OF.] On and after July 1st, it shall be unlawful for any person or persons to sell, or expose for sale, within the city of Chicago, milk known as "skimmed milk" without at the time of such sale stating the character of the milk.

Regulations concerning the erection of distilleries, slaughter houses, rendering establishments and soap factories, within certain limits, the carrying on of business detrimental to health within the city of Chicago, and concerning the keeping of cattle within said city.

[Adopted December 12, 1871.]

25. PREAMBLE.] In order to promote and preserve the health of the city of Chicago, and improve its sanitary condition, the board of health of said city does hereby make and establish the following regulations, to-wit:

26. LIMITS IN WHICH DISTILLERIES, ETC., PROHIBITED.] 1. That from and after the first day of January, A. D. 1872, no distillery, slaughter house, rendering establishment or soap factory shall be erected or put into operation in any building, not now used for such purpose, within the territory in the city of Chicago bounded as follows, to-wit: Fullerton avenue on the north, Thirty-first street on the south, Lake Michigan on the east, and Western avenue on the west.

27. RENDERING PROHIBITED WHEN AND WHERE.] 2. That in any such rendering establishment now existing, within said above described territory, there shall be no rendering done or carried on between the first day of April and the first day of October of each year.

28. DISTILLERIES, ETC., TO HAVE PERMIT.] 3. That from and after the said first day of January no distillery, slaughter house, rendering establishment or soap factory shall be erected or put in operation in any building not now used for such purpose, at any place within the limits of the city of Chicago, except upon a permit first obtained from the board of health of said city.

29. NUMBER OF CATTLE TO BE KEPT.] 4. That from and after the said first day of January no more than three head of cattle shall at any one time be permitted to be kept in or upon any lot or in any stable, shed or building within the limits of said city except a permit therefor be first obtained from the board of health of said city.

30. PUBLICATION PROVIDED FOR.] 5. That the secretary of the board cause these regulations to be published in the corporation newspaper and handbills thereof, containing, attached thereto, section ten of chapter four of the supplemental act amending the charter of the city of Chicago, approved March 6, 1867.

By-law in relation to small pox.

[Adopted January 28, 1872.]

31. USE OF FORCE TO REMOVE PATIENTS.] WHEREAS: The pestilence of small pox is now prevailing in this city, the board of health of the city of Chicago do hereby declare that the public safety and health demand that all small pox patients (or cases) be removed, as soon as known, to the city small pox hospital, and that the sanitary superintendent be (and he is hereby) authorized to remove all such patients, by forcible measures or otherwise, to the said small pox hospital, and to use such force to enter houses or chambers to effect such removal as he may deem necessary.

By-law in relation to slaughtering, etc.

[Adopted April 30, 1872.]

32. ENACTING CLAUSE.] No establishment or place in the city of Chicago shall be used for the purpose of slaughtering animals or rendering lard, tallow or grease between the first day of April and the first day of October of each year, except subject to the following conditions which shall be incorporated in the permit to be issued therefor.

33. SLAUGHTERING HOUSE, ETC.—CLEANLINESS OF.] First. That the establishment or place in which such slaughtering or rendering shall be done, shall be kept clean, and so conducted as not to be offensive to the neighborhood of the same by reason of gaseous or noxious smells emanating therefrom.

34. OFFAL TO BE REMOVED.] Second. No offal or other thing or matter to be rendered shall remain in or about such establishment or place more than twenty-four hours without the same being rendered.

35. KIND OF TANKS TO BE USED.] Third. All such establishments or

Places shall use, for rendering, close tanks with an aperture not exceeding two feet in diameter, which aperture shall have an air tight cover, which shall effectually prevent, during the process of rendering, any escape of steam or gas, and such cover shall, if necessary, be "packed" so as to prevent the escape of such steam or gas; such cover shall not be removed for the purpose of adding to the contents therein contained at any time after the rendering of such contents shall have commenced, and said tanks shall be thoroughly washed and cleaned before any new material to be rendered shall be placed therein; and after commencing the rendering of the contents of any tank the same shall be continued uninterruptedly until fully completed. All offal of the tank shall be removed from the tank within four (4) hours after such completion, and shall within one hour after such removal from the tank be carted away from such establishment or place, to some place outside of the city limits.

36. MANNER OF USE OF TANKS.] Fourth. All such tanks shall be supplied with a condensing pipe, of not less than one and a half inches in diameter, leading therefrom, and such condensing pipe shall (or by connection with a main condensing pipe), lead into a tank of water of suitable capacity (of not less, however, than six hundred gallons), in which tank there shall be a condensing surface of said pipe, of not less than nineteen square feet; such condensing pipe shall lead and discharge from such tank of water into a sewer, or body of running surface water. The water in such water tanks shall be kept at such temperature as will cause a condensation of the steam and vapor passing through said condensing pipe, and shall be changed as often as may be necessary. No condensing pipe shall lead into or pass through any tank or box used for the reception of the offal from the steaming or rendering tank, nor shall any such water tank, or water while in such tank, into which such condensing pipe shall pass, be used for any other purpose than above specified.

37. REMOVAL OF OFFAL.] Fifth. All offal from any such tank shall be removed from such tank directly into wagons to be carted away from such establishment or place into a box or tank preparatory to being placed in such wagon or wagons, and such box or tank shall be thoroughly cleansed and disinfected within one hour after the removal of such offal therefrom, and all wagons used for the removal of such offal shall have close fitting covers to be placed and kept thereon while removing such offal.

38. REMOVAL OF BLOOD.] Sixth. The blood from animals slaughtered shall be carried away in similar wagons to those above mentioned from any such establishment or place within eighteen (18) hours after the animal shall have been slaughtered. All blood vats shall be above ground, that neither blood, tank water, or the washings of any of the above named establishments be allowed to run over the ground, but that all tank water and washings be carried off by a drain or drains, said drain or drains to have a properly constructed catch basin, for the purpose of catching what organic matter may be contained in the material passing through them; and also, that for each thousand gallons of the tank water, etc., that may pass through the drain, a half gallon of the heavy oil that remains after the distillation of coal tar, be

placed in said catch basin, for the disinfection of the material passing through which catch basin shall be cleaned as often as necessary, and also whenever ordered by any policeman, or any person connected with the board of health of said city, and such drain or drains shall have such connection with a reservoir or body of water as the health officer shall direct.

39 DECAYED FLESH NOT TO BE RENDERED.] Seventh. No putrid, decayed, or offensive flesh, intestines or other animal matter, and no dead animals shall be rendered in or about any such establishment or place.

40. ESTABLISHMENTS OPEN TO INSPECTION.] Eighth. All such establishments and places and every part thereof shall be open to the inspection of any member of the police force, or officer or person connected with the board of health of said city, at any hour of the day or night, and full information as to any of the requirements of these regulations and as to any matter connected with the mode or manner in which any such establishment or place has been, or then is being conducted, shall be given upon request to any such member of the police force, officer, or person. The giving of false information (knowing to be false) as to any such matter or requirements, shall forfeit the permit issued for the carrying on of any such establishment or place.

41. FORFEITURE OF PERMITS, WHEN.] Ninth. The permit granted to any person or persons, shall, upon any violation of any of these regulations or any part thereof, be forfeited, and any slaughtering or rendering in any such establishment or place, after such forfeiture be prohibited.

42. PENALTY.] Tenth. Any person or corporation who shall carry on any such establishment or place within the period aforesaid, without having a permit, or shall violate any of the provisions of any of these regulations, shall be subject to a fine of not less than five nor more than five hundred dollars to be collected and enforced as provided in Section 10, of Chapter 4, of the act supplementary to an act approved March 9th, 1867, "to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same, approved February 13th, 1863, and the several amendments thereto."

By-law as to vaccination, etc.

[Adopted December 17, 1872.]

43. VACCINATION PRESCRIBED.] 1. The sanitary superintendent, sanitary inspectors and health officers shall be authorized, and it shall be their duty, to vaccinate or revaccinate all persons in houses infected with small pox or to see that it is promptly done by others.

44. PENALTY.] 2. Any person or persons in any house infected with small pox refusing to be vaccinated or revaccinated shall, upon conviction, be subject to a fine of not less than ten nor more than one hundred dollars.

CHAPTER 10.

HORSE RAILWAYS.

SECTION.

1. Authority to build and operate railway in south and west divisions.
2. On certain streets of south and west divisions.
3. Animal power to be used.
4. Limitation of the use of cars and their quality—Council may regulate running.
5. Tracks, how to be laid.
6. Rate of fare established.
7. Grading, paving and repairing of streets—Liability for damages.
8. Forfeiture, how worked—Limit of time to build.
9. Effect of subsequent incorporation.
10. Duration of the franchise—Purchase by the city.
11. Terms and manner of such purchase.
12. Rights of corporation reserved.
13. Bond to the city to be given.
14. Repealing clause.
15. Amendment as to paving, etc., streets—Also as to bond.
16. Chicago City Railway Company incorporated.
17. With right to lay track as authorized by common council.
18. Capital stock—Shares.
19. Directors, how appointed—Powers of.
20. Right to condemn right of way.
21. Rights in townships—Right of way.
22. Franchises already granted to revert.
23. Steam power prohibited—Limitations on certain streets.
24. Two railways to be completed in two years.
25. North Chicago Railway Company incorporated.
26. When act to take effect.
27. Authority given to operate railways in south and west divisions.
28. Upon certain streets named.
29. When railways to be completed.
30. Use of steam power prohibited.
31. How to be used—Council to regulate running.
32. Tracks, how to be laid.
33. Rate of fare established.
34. Improvement of streets—Liability for damages.
35. What shall work forfeiture.
36. Rights of other corporations reserved.
37. Former rights continued.
38. Bond—Its conditions.
39. Permission to operate railways in north division.
40. On streets designated.
41. Animal power to be used, and limitation as to carriage.
42. Power in council to regulate speed, etc.
43. Tracks, how to be laid.
44. Rate of fare established.
45. Improvement of streets—Liability for damages.
46. Forfeiture for non-completion at given times.
47. Rights of other corporations reserved.

SECTION.

48. Duration of franchise.
49. Bond to be given by company.
50. Amendatory ordinance—Repair of streets.
51. Time to construct railways (south and west) extended.
52. Repeals sections of ordinance May 23, 1859, and resolution of company.
53. Tracks of north side company to remain ten years.
54. Extension of time to north division company.
55. West Division Railway Company incorporated.
56. Powers and restrictions—Proviso.
57. Directors, how appointed—Powers of.
58. Special powers of corporation.
59. Penalty for obstructing tracks.
60. Act public and when in force.
61. Change of line of west division railway.
62. Extension of time in which to construct lines—Manner of construction and operation.
63. Failure to construct to work forfeiture—Release of the Chicago City Railway Company.
64. Permission to Chicago City Horse Railway Company to lay temporary track.
65. Temporary track to be removed, when.
66. Temporary track on State street allowed.
67. Under supervision of board of public works.
68. Streets to be kept free from railroad uses for twenty years.
69. Penalty for entering upon such streets to construct railways.
70. Clause saving the city from liability.
71. When the ordinance shall take effect—Covenants of the Chicago City and West Division Railway Companies.
72. Connection between north and south authorized.
73. Subject to ordinance of May 23, 1859.
74. Repair of streets—Rail—Forfeiture.
75. Transfer of track from Desplaines to Halsted street.
76. Improvement of street—Condition of track.
77. Time in which to comply with ordinance—Penalty.
78. Conditions of ordinance taking effect.
79. Transfer of track from Desplaines to Halsted street.
80. Improvement of Halsted street—Condition of track.
81. Time to comply with ordinance—Forfeiture.
82. When ordinance shall take effect—Release of the Chicago West Division Railway Company.
83. Temporary track on Clinton street authorized—Conditions.
84. Board of public works to supervise.
85. Penalty for not removing track.
86. When ordinance to take effect.
87. Clinton street track made permanent.
88. Repair of street and condition of track.

SECTION.

89. When ordinance to take effect.
90. North division railway may extend tracks.
91. Time in which to complete.
92. Ordinance subject to former ordinance.
93. Facilities for funerals—Rate of fare.
94. Improvement and repair of streets.
95. Extension of west division railway tracks—Condition.
96. Limit of time in which to construct.
97. Repair, etc., of streets—Rail—General regulations.
98. Animal power to be used.
99. Facilities for funerals—Rate of fare.
100. When ordinance in force—Stipulation of the company.
101. Conditional extension of south division railway tracks.
102. Time in which to complete.
103. Form of rail—Repair of streets—Regulations.
104. Facilities for funerals—Rate of fare.
105. Animal power to be used—Connection with other railways.
106. When in force.
107. Railway franchises extended for ninety-nine years.
108. Enlargement of general powers.
109. Franchise to Chicago and Evanston Railroad Company confirmed.
110. Powers of the companies.
111. Act made public.
112. Night cars to be run in west division on Milwaukee avenue.
113. Penalty for violation.
114. When ordinance in force.
115. Night cars to be run on Blue Island avenue.

SECTION.

116. Penalty for violation.
117. Ordinance in force when.
118. Time for starting cars in west division.
119. Penalty.
120. Ordinance in force when.
121. Use of dummy on State street prohibited, etc.
122. Penal clause.
123. Extension of track on Clark street to Twenty-second.
124. Use of dummy in south division to clear snow allowed.
125. North Chicago company authorized to operate road on Lincoln avenue.
126. Conditions of the grant.
127. Time in which track to be laid.
128. When ordinance to take effect, with acceptance by company, etc.
129. Extension of time to construct track on Indiana avenue.
130. Double track allowed—Proviso.
131. Track authorized on Van Buren street.
132. Conditions of the grant.
133. Time in which to construct limited.
134. Connection of north and south division railway on Clark street authorized.
135. Conditions of the grant.
136. Improvement of the street.
137. Duration of franchise.
138. Right to remove and restore track on Fifth avenue.
139. Preamble in relation to track on Van Buren street.
140. Extension of time to lay track on Van Buren street.

**An ordinance authorizing the construction and operation of certain hor—
railways in the streets of the city of Chicago.**

[Passed August 16, 1858.]

Be it ordained by the Common Council of the city of Chicago :

1. PERMISSION TO BUILD AND OPERATE RAILWAY ON STREETS.] SECTION 1. That there is hereby granted to Henry Fuller, Franklin Parmel—
and Liberty Bigelow, and such other persons as may hereafter become as—
sociated with them, and to their executors, administrators and assigns, perm—
sion or authority and consent of the common council, to lay a single
double track for a railway, with all necessary and convenient tracks for turn—
outs, side tracks and switches, in and along the course of certain streets
the city of Chicago, hereinafter mentioned, and to operate railway cars and
carriages thereon, in the manner, and for the time, and upon the condition—
hereinafter prescribed: *Provided*, that said tracks shall not be laid with—
in twelve feet of the sidewalks upon any of the streets.

2. FRANCHISE ON CERTAIN STREETS.] SEC. 2. That said parties—
hereby authorized to lay a single or double track, for a railway, in and al—
the course of the following streets in said city, and extending the same—
follows: Commencing on State street, at the south side of Lake stre—
thence south to the present city limits. Also, commencing on State stre—
at the junction of Ringgold place; thence on Ringgold place to Cott—
Grove avenue; thence on Cottage Grove avenue to the present limits of —the
city of Chicago. Also, commencing on State street, at the junction of the
Archer road; thence along the said Archer road to the present limits of the
city. Also, commencing on State street, at the intersection of Madison

street, and extending west along said Madison street to the present city limits.

3. ANIMAL POWER PRESCRIBED.] SEC. 3. The cars to be used upon said tracks shall be operated with animal power only; and said railways shall not connect with any other railroad on which other power is used, and no railway car or carriage, used upon any other railroad in this state, shall be used or passed upon said tracks.

4. HOW TO BE USED—COUNCIL TO REGULATE SPEED, ETC.] SEC. 4. The said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways. The common council shall have power at all times to make such regulations, as to the rate of speed and time of running said cars or carriages, as the public safety and convenience may require.

5. TRACKS, HOW LAID.] SEC. 5. The tracks of said railways shall not be elevated above the surface of the street; shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, without obstruction.

6. RATE OF FARE.] SEC. 6. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for a specific purpose.

7. GRADING AND PAVING STREETS—REPAIRS, ETC.] SEC. 7. The said parties, their associates and successors, shall pay one-third of the cost of grading, paving, macadamizing, filling or planking, on the streets or parts of streets on which they shall construct their said railways, and in the respects last mentioned shall keep such portion of the respective streets as shall be occupied by their said railways, or either of them, in good repair and condition during the whole time that the privileges hereby granted to said parties shall extend, in accordance with whatever orders may be passed, in that behalf, by the common council of the said city of Chicago; and said parties shall be liable for all legal or consequential damages which may be sustained by any person by reason of the carelessness, neglect or misconduct of any agent or servant of said parties, in the course of their employment in the construction or the use of the said tracks or railways, and said parties shall moreover pay to the property owners on any street so used by them, as aforesaid, for their said railways, which has, since the first day of January, A. D. 1858, been paved, macadamized or planked, and at any time between said date last mentioned, and the time of going into the occupation of either of said respective streets with the said railway by said parties, their associates or successors, may be paved, macadamized or planked, one-third of the reasonable cost and expense thereof so paid by said property owners respectively.

8. WHEN TO BE BUILT — FORFEITURE — PROVISIO.] SEC. 8. The rights and privileges granted to said parties, by virtue of this ordinance, shall be forfeited to the city of Chicago, unless the construction of one of said railways shall be commenced on or before the first day of November, A. D. 1858; and unless the said railway commencing on the south side of Lake street and extending to Ringgold place, shall be fully completed and ready

for use on or before the fifteenth day of October, A. D. 1859 ; and the Madison street railway, commencing at the intersection of State street, and running on said Madison street to the city limits, completed and ready for use on or before the fifteenth day of October, A. D. 1860 ; and said railway, from Ringgold place to Cottage Grove avenue, and along the same to the city limits, by the first day of January, A. D. 1861 ; and all the remaining railways herein before mentioned, on or before the first day of January, A. D. 1863, the said railways, together with all improvements made upon the same, shall be forfeited to said city of Chicago, unless the common council of said city shall grant to said parties a further extension of time : *Provided*, that if said parties are delayed by the order or injunction of any court, the time of such delay shall be excluded, and the same time, in addition to the periods above prescribed, shall be allowed for the completion of said railways, as that during which they may be so delayed.

9. EFFECT OF SUBSEQUENT INCORPORATION.] SEC. 9. If the said parties, their associates or successors, shall hereafter become incorporated, the rights and privileges granted to them, by virtue of this ordinance, shall extend to such corporation for the time and upon the conditions herein prescribed, and when such act of incorporation shall have been obtained, such corporation shall have all the rights and privileges hereby granted, as the successors of said parties, without further action of the common council.

10. DURATION OF FRANCHISE—PURCHASE BY CITY.] SEC. 10. The right to operate said railways shall extend to the full time of twenty-five years from the passage hereof, and at the expiration of said time, the parties operating said railways shall be entitled to enjoy all of said privileges until the common council shall elect, by order for that purpose, to purchase said tracks of said railways, cars, carriages, station houses, station grounds, depot grounds, furniture and implements of every kind and description, used in the construction or operation of said railways, or any of the appurtenances in and about the same, and pay for the same in the manner hereinafter mentioned.

11. TERMS OF PURCHASE.] SEC. 11. Such order shall fix the time when said city of Chicago will take such railways, and other property before mentioned, which shall not be less than six months after the passage of said order, and at the time of taking said railways and other property, before mentioned, the city of Chicago shall pay to the parties operating the same, a sum of money to be ascertained by three commissioners, to be appointed for that purpose, as follows : One to be chosen from the disinterested freeholders of Cook county, by the said common council ; one in like manner by the said parties, their associates or successors ; and the two persons so chosen, to choose the third from said freeholders.

12. RIGHTS OF CORPORATIONS RESERVED.] SEC. 12. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

13. BOND TO BE GIVEN.] SEC. 13. The said Henry Fuller, Franklin Parmelee and Liberty Bigelow, shall enter into a good and sufficient

bond with the city of Chicago, in the penal sum of twenty-five thousand dollars, for the faithful performance of all the terms and conditions herein contained in this ordinance, and that said railways herein mentioned shall be completed at the times and manner herein stated, unless delayed by the order or injunction of some court having jurisdiction of such matters, from so completing the same, and until such bond shall be so executed by said parties, this ordinance shall have no force or effect whatever.

14. REPEALING CLAUSE.] SEC. 14. All ordinances or parts of ordinances heretofore passed, respecting the subject-matter of this ordinance, (except that to which this is an amendment), or in conflict with this ordinance, or that to which the same is an amendment, is hereby repealed.

An ordinance to amend an ordinance entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago."

[Passed December 20, 1858.]

Be it ordained by the Common Council of the city of Chicago:

15. GRADING, ETC. OF STREETS—LIABILITY FOR DAMAGES—BOND.] SECTION 1. That sections seven and thirteen of the above entitled ordinance be so amended as to read as follows, viz: That section seven be so amended as to read: The said parties and their associates shall, as respects the grading, paving, macadamizing, filling or planking of the streets, or parts of streets, upon which they shall construct their said railways, or any of them, keep so much of said respective streets as shall be occupied by the said railways, or either of them, in good repair and condition during all of the time to which the privileges hereby granted to said parties shall extend, in accordance with whatever orders or regulations respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city; and the said parties shall be liable for all the legal consequential damages which may be sustained by any person, by reason of the carelessness or misconduct of any of the agents or servants of the said parties, in the course of their employment in the construction or use of the railways aforesaid, or either of them. And section thirteen be so amended as to read: The said Henry Fuller, Franklin Parmelee and Liberty Bigelow, shall enter into a penal bond, in the sum of twenty-five thousand dollars, with the said city of Chicago, conditioned for the faithful performance of all the terms and conditions in the said above entitled ordinance, as hereby amended, are contained and set forth; and that the railways aforesaid shall be completed at the time and in the manner in the aforesaid ordinance specified, unless delayed by the order or injunction of some court of competent jurisdiction, from so completing the same. And the giving of the bond above mentioned shall supersede the bond heretofore given by said parties under the original ordinance aforesaid, and the same shall be surrendered up and cancelled.

An act to promote the construction of horse railways in the city of Chicago.

[Approved February 14, 1859.]

16. CHICAGO CITY RAILWAY COMPANY INCORPORATED.] SECTION 1.

Be it enacted by the People of the state of Illinois, represented in the General Assembly: That Franklin Parmelee, Liberty Bigelow, Henry Fuller David A. Gage, and their successors, be, and they are hereby created constituted a body corporate and politic, by the name of "The Chicago Railway Company," for the term of twenty-five years, with all the power and authority incident to corporations, for the purposes hereinafter mentioned.

17. RIGHT TO LAY TRACKS SUBJECT TO CONTRACT OF CITY.] SEC. The said corporation is hereby authorized and empowered to construct, maintain and operate, a single or double track railway, with all necessary convenient tracks for turn-outs, side tracks and appendages in the city of Chicago, and in, on, over and along such street or streets, highway or highways, bridge or bridges, river or rivers, within the present or future limits of the south or west divisions of the city of Chicago, as the common council of the city have authorized said corporators, or any of them, or shall authorize said corporation so to do, in such manner and upon such terms and conditions, and with such rights and privileges as the said common council may, by contract with said parties, or any or either of them, prescribe; said corporation shall not be liable for the loss of any baggage carried on railways, kept in and under the care of its owner, his servant or agent.

18. CAPITAL STOCK—SHARES.] SEC. 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

19. DIRECTORS HOW APPOINTED—POWERS.] SEC. 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of said Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, and thereafter of not less than three nor more than seven stockholders, who shall be chosen each and every year by the stockholders, at such time and in such manner as the said corporation shall by its laws prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations, for the government of said corporation and the management of its affairs and business as they may think proper, not inconsistent with the laws of this state.

20. RIGHT OF EMINENT DOMAIN] SEC. 5. The said corporation is hereby authorized to extend the several railways herein authorized to be built, in the manner aforesaid, to any point or points within the county of Cook, in this state: and, to enable said corporation to construct any of the railways herein authorized, or their appendages, the said corporation is hereby vested with power to take and apply private property for the purpose and in the manner prescribed by an act entitled "An act to amend the law relating to the condemning right of way for purposes of internal improvement," approved

22, 1852, and the several acts amendatory thereof, and may exercise powers conferred upon railroad corporations by the twenty-fifth and twenty-sixth sections of "An act to provide for a general system of railroad corporations," approved November 5, 1849, ascertaining and making reparation for all damages sustained, agreeably to the provisions of the act before first mentioned.

[RIGHTS IN TOWNSHIPS—RIGHT OF WAY.] SEC. 6. The said corporation is hereby authorized, with the assent of the supervisor of any township, to lay down and maintain its said railway or railways, in, upon, over and along any common highway in said township, but in such manner as not to obstruct the common travel of the public over the same. In all cases such vehicles shall meet the cars or carriages of said railways, either in the city or country, said vehicles shall give way to the cars or carriages on the railway.

[FORMER FRANCHISES TO REVERT.] SEC. 7. All the rights and franchises granted, or intended so to be, to said Franklin Parmelee, Liberty Township, Henry Fuller and their associates, in and by the ordinances of the town council, and the amendments thereto, are hereby, in all things, affirmed, and shall pass to and become vested in the corporation hereby created.

[STEAM POWER PROHIBITED—LIMITATION OF RIGHTS.] SEC. 8. Nothing herein contained shall authorize the construction of more than a single track, with the necessary turn-outs, which shall only be at street crossings upon State street between Madison and Twelfth streets, except by the assent of the owners of two-thirds of the property, in lineal measurement, upon said State street between Madison and Twelfth streets aforesaid, and all anything herein contained be construed to authorize the company, when incorporated, to permit the cars of any other railroad company whatsoever propelled by steam, to be run along or upon the railway of the company when incorporated.

[TWO RAILWAYS TO BE BUILT IN TWO YEARS.] SEC. 9. The said company hereby incorporated shall, within two years from the passage of this act, erect, maintain and operate two railways; one from Lake street to the southern boundary of the city, and one from the south branch of the Chicago river, on Madison street, to the western boundary of said city; and in case of failure to do so, this act, and all the privileges and franchises hereby granted, shall cease and determine.

[NORTH CHICAGO RAILWAY COMPANY INCORPORATED.] SEC. 10. The same grants, powers, privileges, immunities and franchises conferred upon, and all duties and obligations required of Franklin Parmelee, Liberty Township, Henry Fuller and David A. Gage, by this act, for the south and west divisions of the city of Chicago and the county of Cook, are hereby confirmed upon and required of William B. Ogden, John B. Turner, Charles V. Johnson, James H. Rees and Volentine C. Turner, by the name of "The North Chicago Railway Company," for the north division of said city and said county of Cook, as fully and effectually, to all intents and purposes, as if it had been, by a separate act, incorporated with all of said grants, powers

ers, privileges, immunities and franchises conferred upon them, and all said duties and obligations imposed upon them; and the said last named corporation may take, hold, mortgage and convey real estate.

26. WHEN ACT IN FORCE.] SEC. 11. This act shall be deemed a public act, and noticed by all courts as such without pleading, and shall take effect from its passage.

An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago.

[Passed May 23, 1859.]

Be it ordained by the Common Council of the city of Chicago :

27. AUTHORITY TO LAY TRACKS—CONDITIONS.] SECTION 1. That under and by virtue of an act of the legislature of the state of Illinois entitled "An act to promote the construction of horse railways in the city of Chicago," approved the fourteenth day of February, A. D. 1859, commencing with Franklin Parmelee, Liberty Bigelow, Henry Fuller, and David Gage, and their successors, a body corporate and politic, by the name "The Chicago City Railway Company," and by virtue of the powers and authority in the said common council otherwise by law vested, consent, permission and authority are hereby unto the said "The Chicago City Railway Company" given, granted and duly vested, to lay a single or double track for a railway, with all necessary and convenient tracks for turn-outs, side tracks and switches, in and along the course of the streets and bridges of the south and west divisions of the city of Chicago hereinafter mentioned; and the same to keep, maintain and use, and to operate thereon railway cars and carriages, during all the term in the said act of the fourteenth February, A. D. 1859, specified and prescribed, in the manner and upon the conditions hereinafter prescribed: *Provided*, that said tracks shall not be laid within twelve feet of the sidewalk upon any of the streets hereinafter mentioned, in any case wherein it is practicable to be avoided.

28. STREETS AND ROUTES NAMED.] SEC. 2. The said company hereby, as above mentioned, authorized to lay a single or double track for such railways, in and along the course of the following streets of said south and west divisions of Chicago, and to extend the same, as follows :

Commencing on Lake street, at the intersection of said Lake street with the east line of Market street, and thence west, with a single or double track in and along the course of said Lake street, to Lake street bridge; thence westerly, with a single or double track, over said bridge, and in and along the course of said Lake street, to the present and future limits of the city.

Commencing on Randolph street, at the intersection with the State street railway, and thence west, with a single or double track, in and along the course of said Randolph street, to Union park; thence in and along Park street to intersect with the said Lake street track.

Commencing on Desplaines street and intersecting with the said Lake street track, and thence northerly, with a single or double track, in and along the course of said Desplaines street to Milwaukee avenue, and thence in and along the course of said Milwaukee avenue to the present and future city line.

Commencing on Canal street, at the point of intersection with said Lake street track, and thence southerly, with a single or double track, in and along the course of said Canal street, to intersect with the track to be upon Polk street, as hereinafter mentioned.

Commencing on Harrison street, at the intersection with Canal street aforesaid, thence westerly, with a single or double track, in and along said Harrison street to the Southwestern plank-road.

Commencing on Market street, at the intersection with Lake street railway aforesaid, and thence southerly, with a single or double track, in and along the course of said Market street, to intersect with the Madison street railway.

Commencing on South Wells street, at the intersection with the said Randolph street track, and thence southerly, with a single or double track, in and along the course of said Wells street, to Polk street; thence westerly, with a like track, in and along the course of said Polk street, to Canal street, as aforesaid; and thence southerly, with a like track, in and along the course of said Canal street, to the Chicago, Burlington and Quincy Railroad.

Commencing on South Clark street, at a point intersecting said Randolph street track, and thence southerly, with a single or double track, in and along the course of said Clark street, to Polk street; and thence westerly, with a like track, in and along the course of said Polk street, to Wells street.

Commencing on State street, at the intersection of Van Buren street, thence westerly, on Van Buren street, and in and along said Van Buren street, to the Southwestern plank-road.

Commencing on Harrison street, at its intersection with Canal street, and thence, with a like track, in and along said Harrison street, to Blue Island avenue; and thence, with a like track, in and along the course of said Blue Island avenue, to the Chicago, Burlington and Quincy Railroad.

Commencing on Twelfth street, at the intersection with State street railway, and thence easterly, with a single or double track, in and along the course of said Twelfth street, to Wabash avenue; thence south, with a like track, in and along said Wabash avenue, to Old street; thence, in and along said Old street to Indiana avenue, thence in and along Indiana avenue, to intersect with the Cottage Grove railway.

Also, commencing on Twelfth street, at the intersection of State street, thence westerly, in and along said Twelfth street, with a like track, to the intersection of Blue Island avenue.

29. WHEN TO BE COMPLETED.] SEC. 3. The said railway upon Randolph street, as aforesaid, is to be completed from said State street to Union Park, aforesaid, within three months, and from said Union Park to Robey street, within five months after the passage of this ordinance. The said railway upon Lake street, as aforesaid, to be completed, from said Market street to Union Park, as aforesaid; that upon South Wells street, as aforesaid, is to be completed from Randolph to Polk street, aforesaid; and that upon South Clark street, as aforesaid, is to be completed from said Randolph street to said Van Buren street, and in and along Van Buren street to the Southwestern plank-road, severally, within eighteen months from the passage of this

ordinance. And the said railway upon Canal street is to be extended and completed to the Chicago, Burlington and Quincy Railroad, and the said railways on Harrison street to Blue Island avenue, and on Blue Island avenue southerly to Twelfth street, are to be completed within one year from the passage of this ordinance. And the said railways upon Desplaines street and Milwaukee avenue are to be extended and completed to the city limits before the first day of the next session of the legislature of this state. The other said railways included in the second section aforesaid, and not above in this section specified, shall be completed as soon after the passage hereof as may be practicable; but, whenever the common council shall determine that the public interest requires any one of said railways last mentioned to be constructed or extended, and shall by ordinance direct that such railway shall be constructed or extended, as the case may be, then said company shall be required to complete such construction or extension in sixty days after being notified of such ordinance: *Provided, however,* that such ordinance shall include but one street only: that then there shall be an interval of at least three months between such ordinances, and that the same shall not be made at an unseasonable time of year for doing such work.

30. STEAM POWER PROHIBITED ON, ETC.] SEC. 4. The cars to be used upon said tracks shall be operated with animal power only; and shall not connect with any other railroad on which other power is used, and no railway car or carriage used upon any other railroad in this state shall be used upon any of said tracks.

31. MANNER OF USE—REGULATION OF SPEED, ETC.] SEC. 5. The said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars and carriages for that purpose shall be of the best style and class in use on such railways. The common council shall have power at all times to make such regulations as to the rate of speed and time of running said cars or carriages as the public safety and convenience may require.

32. TRACKS, HOW LAID.] SEC. 6. The track of any such railways shall not be elevated above the surface of the street; shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks, at any and all points, and in any and all directions, without obstruction: *Provided,* whenever the said railway company construct two tracks on the same street, that the said tracks shall be constructed perfectly parallel, as far as practicable.

33. RATE OF FARE.] SEC. 7. The rate of fare for any distance shall not exceed five cents, except when cars or carriages shall be chartered for special purposes.

34. PAVING, ETC., STREETS—LIABILITY FOR DAMAGES.] SEC. 8. The said company shall, as respects the grading, paving, macadamizing, filling or planking of the streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width along the line of said railway, on all streets whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the

privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said company in the course of their employment in the construction or use of the railways aforesaid, or any or either of them.

35. FORFEITURE, WHEN.] SEC. 9. If the said company shall fail to complete any of the aforesaid railways, in said second section mentioned, at the time mentioned and provided, and according to the conditions prescribed in the third section of this ordinance, then the rights and privileges granted by virtue hereof respecting the said railways, in the said second section mentioned, shall be forfeited, together with all or any improvements made upon any of the said railways, to the city of Chicago, unless the common council of said city shall grant to said company a further extension of time: *Provided*, that if said company is delayed by the order or injunction of any court, the time of such delay shall be excluded from the time above prescribed.

36. RIGHTS OF OTHER CORPORATIONS RESERVED.] SEC. 10. All rights heretofore vested in the board of water commissioners and sewerage commissioners, or other corporations, are not to be impaired or affected by anything herein contained, but the rights and privileges hereby granted are subject thereto.

37. FORMER RIGHTS CONTINUED.] SEC. 11. All the rights and privileges heretofore granted, or intended to be granted, to the said Franklin Parmelee, Liberty Bigelow and Henry Fuller, by an ordinance entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," or any amendment thereto, are hereby granted and confirmed to the said "The Chicago City Railway Company," and its successors.

38. BOND.] SEC. 12. The said Franklin Parmelee, Liberty Bigelow, Henry Fuller and David A. Gage, shall enter into a bond with the city of Chicago in the penal sum of ——— dollars, conditioned for the faithful performance by said company of all the terms and conditions of this ordinance, and that the railways aforesaid shall be completed at the time and in the manner in this ordinance specified, unless delayed by the order or injunction of some court of competent jurisdiction from so completing the same. And until such bond is made by the said parties, this ordinance is to have no force or effect whatever.

An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago.

[Passed May 23, 1859.]

Be it ordained by the Common Council of the city of Chicago :

39. PERMISSION TO OPERATE RAILWAYS IN NORTH DIVISION.] SEC. 1. That there is hereby granted to the North Chicago City Railway

Company the consent, authority and permission of the common council to lay a single track for a railway, with all necessary and convenient tracks for turn-outs, side tracks and switches, in and along the course of certain streets in the city of Chicago, hereinafter mentioned, and to operate railway cars and carriages thereon, in the manner and for the time and upon the conditions hereinafter prescribed: *Provided, however,* that, except in turning street corners, said tracks shall not be laid within twelve feet of the sidewalk upon any of the streets.

40. STREETS NAMED.] SEC. 2. The said company is hereby authorized to lay a single or double track for a railway in and along the course of any or all the following streets in said city, to-wit:

Commencing on Clark street, in the north division of said city, at its intersection with North Water, and extending thence north on Clark street to Green Bay road; thence on Green Bay road to the present or future northern city limits.

Also, beginning on said Clark street at the intersection of Division street, thence west upon Division street to Clybourn avenue; thence on Clybourn avenue to Racine road; thence in the same direct line to the northern city limits, whenever a street shall be opened on said line to said city limits.

Also, beginning on said Clark street at its intersection with Michigan street, and extending thence east on Michigan street to Rush street; thence north on Rush street to Chicago avenue; thence on Green Bay road to Wolcott street; thence north on Wolcott street to Elm street; thence west on Elm street to Clark street.

Also, commencing on Wells street at its intersection with North Water, and running thence north to Division street; thence west on Division street to Sedgwick street; thence north on Sedgwick street to its intersection with Green Bay road.

Also, commencing on Chicago avenue at its intersection with Rush street, and running thence west on Chicago avenue to the north branch of the Chicago river.

41. ANIMAL POWER—WHAT TO CARRY.] SEC. 3. The cars to be used upon said tracks shall (within the limits of the city) be propelled by animal power only, and the said tracks and railways shall be used for no other purpose than to transport passengers and their ordinary baggage, and the cars or carriages used for that purpose shall be of the best style and class in use on such railways.

42. COUNCIL MAY REGULATE SPEED, ETC.] SEC. 4. The common council shall have power at all times to make such regulations as to the rate of speed and time or times of running said cars or carriages as the public safety and convenience may require: *Provided,* that the common council shall not require said company to run any carriage or car earlier than five o'clock in the morning, nor later than eleven o'clock in the night.

43. TRACKS, HOW LAID.] SEC. 5. The tracks of said railways shall not be elevated above the surface of the streets, shall be laid with modern improved rails, and shall be so laid that carriages and other vehicles can easily and freely cross said tracks at any and all points, and in any and all directions, with the least obstruction possible.

44. RATE OF FARE.] SEC. 6. The rates of fare for any distance within the city limits shall not exceed five cents for each passenger, except when cars and carriages shall be chartered for a specific purpose.

45. IMPROVEMENT OF STREETS—LIABILITY FOR DAMAGES.] SEC. 7. The said company shall, as respects the grading, macadamizing, paving, filling or planking of the streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet in width along the line of said railway, on all streets, whereon one track is constructed, and sixteen feet in width along the line of said railway where two tracks are constructed, in good repair and condition during all the time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation respecting the ordinary repairs thereof may be passed or adopted by the common council of said city; and the said company shall be liable for all the legal consequential damages which may be sustained by any person, by reason of the carelessness, negligence or misconduct of any of the agents or servants of said company in the course of their employment in the construction or use of said railways, or either of them.

46. FORFEITURE FOR NON-COMPLETION, ETC.] SEC. 8. Unless the said railway, commencing on said Clark street at its intersection with North Water street, and extending north to Green Bay road, and thence on Green Bay road to the present or future northern city limits, shall be completed and ready for use on or before the first day of January, A. D. 1860; and unless the said railway, commencing on Clark street at its intersection with Division street, and extending thence west on Division street to Clybourn avenue, thence on Clybourn avenue to Racine road, thence on the same direct line to the northern limits of the city, shall be completed on or before the first day of July, A. D. 1862, or within six months after a street shall have been opened from the intersection of Clybourn avenue and Racine road, on the same direct line with said Clybourn avenue, to the northern city limits; and unless the said railway, beginning on said Clark street at its intersection with Michigan street, and running thence east on Michigan street to Rush street, thence north on Rush street to Chicago avenue, thence on Green Bay road to Wolcott street, thence north on Wolcott street to Elm street, thence west on Elm street to Clark street, shall be completed on or before the first day of January, A. D. 1861; and unless all the remaining railways herein mentioned shall be completed on or before the first day of January, A. D. 1862, then the rights and privileges granted to said company by virtue of this ordinance shall be forfeited to said city of Chicago, unless the common council thereof shall grant to said company a further extension of time to construct the same: *Provided, however,* that nothing in this ordinance shall be so construed as to cause a forfeiture of any of said lines which shall be completed previous to the time herein specified for their respective completion: *And provided, further,* that if said company shall be delayed by order or injunction of any court having competent jurisdiction, the time of such delay shall be excluded, and the same time in addition to the periods above prescribed shall be allowed for the completion of said railways as that during which they may be so delayed.

47. RIGHTS OF CORPORATIONS RESERVED.] SEC. 9. All rights heretofore vested in the boards of water commissioners and sewerage commissioners, or other corporations, are not to be affected by this ordinance, but the rights and privileges hereby granted are subject thereto.

48. DURATION OF FRANCHISE.] SEC. 10. The rights and privileges granted to the said company by this ordinance, or intended so to be, shall continue and be in force for the benefit of said company for the full term of twenty-five years from the passage of this ordinance, and no longer.

49. BOND BY THE COMPANY.] SEC. 11. The North Chicago City Railway Company shall enter into a bond with the city of Chicago in the penal sum of twenty-five thousand dollars, conditioned for the faithful performance by said company of all the terms and conditions of this ordinance; and that the railways aforesaid shall be completed at the times and in the manner specified in this ordinance, unless delayed by the order or injunction of some court of competent jurisdiction from so completing the same; and until such bond is made by said parties, this ordinance is to have no force or effect whatever.

An ordinance supplementary to and explanatory of an ordinance entitled
 “An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago.”

[Passed June 20, 1859.]

Be it ordained by the Common Council of the city of Chicago :

50. REPAIR OF STREETS—LIABILITY FOR DAMAGES.] SECTION
 That section 8 [7] of the ordinance entitled “An ordinance authorizing construction and operation of horse railways in the north division of the city of Chicago,” passed May 23, 1859, be, and the same is hereby, declared to read as follows: The said company shall, as respects the grading, paving, macadamizing, filling or planking of streets or parts of streets upon which they shall construct their said railways, or any of them, keep eight feet width along the line of said railway on all streets where one track is constructed, and sixteen feet in width along the line of said railway on all streets where two tracks are constructed, in good repair and condition during all time to which the privileges hereby granted to said company shall extend, in accordance with whatever order or regulation, respecting the ordinary repairs thereof, may be passed or adopted by the common council of said city. And the said company shall be liable for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence or misconduct of any of the agents or servants of the said company, in the course of their employment in the construction or use of the railways aforesaid, or any or either of them.

An ordinance amendatory of the ordinance entitled “An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago,” passed May 23, 1859.

[Passed February 18, 1860.]

Be it ordained by the Common Council of the city of Chicago :

51. TIME TO CONSTRUCT RAILWAYS EXTENDED.] SECTION 1. Th

the third section of the ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," be, and the same is hereby, so amended that the time for the construction of the railway track on Clark street, in said ordinance mentioned, be extended for the period of ten years, and that the time for the construction of the several railways, and each and every one thereof in said section mentioned or referred to, be extended for the period of five years beyond the time mentioned in said ordinance for the completion thereof: *Provided, however*, that the Blue Island avenue and the Milwaukee avenue lines shall severally be completed within the period of two years from the passage of this ordinance.

An ordinance to accept a certain resolution of the Chicago City Railway Company.

[Passed March 9, 1860.]

Be it ordained by the Common Council of the city of Chicago:

52. REPEALING SECTIONS 9 AND 12 OF ORDINANCE, MAY 23, 1859.] SECTION 1. That the resolution of the Chicago City Railway Company, passed on the 18th day of February, 1860, tendered to this body (to which reference is hereby made), whereby the said company obligates itself to postpone the laying down of its track on South Clark street, for and during the period of ten years, be, and the same is hereby, in all things accepted, and said amendatory ordinance therein mentioned affirmed.

Resolution referred to in foregoing ordinance.

Resolved, That this company hereby accepts of the provisions of the ordinance of the common council of the city of Chicago, passed on the 18th day of February, 1860, amendatory of the third section of an ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859. And in consideration thereof, and of the repealing by said council (to be notified by acceptance hereof) of the ninth and twelfth sections of the above entitled ordinance, this company, as to said South Clark street, will and hereby does agree to the postponement of laying down its track along said street, or any part thereof, for and during the time in said amendatory ordinance mentioned: *Provided*, that nothing herein contained shall prevent this company from using so much of said street as shall be necessary to make proper connections with the track of the North Chicago City Railway Company, in pursuance of any ordinance of the common council hereafter in that behalf to be passed.

CHICAGO CITY RAILWAY OFFICE, } ss. I, Geo. W. Fuller, secretary of the Chicago City Railway Company, do hereby certify that the above is a true copy of a resolution passed by the board of directors of said company, at a meeting of said board, held on the 18th day of February, A. D. 1860.

Witness my hand and the corporate seal of said company, this 20th day of February, A. D. 1860.

GEO. W. FULLER,
Secretary Chicago City Railway Company.

[SEAL.]

An ordinance amendatory of an ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago.

[Passed March 9, 1860.]

Be it ordained by the Common Council of the city of Chicago:

53. TRACKS PERMITTED TO REMAIN TEN YEARS.] SECTION 1. That

the tracks of the North Chicago City Railway Company, as now laid, be permitted to so remain for the period of ten years from and after this date.

An ordinance extending the time for the construction of certain horse railways therein mentioned, and compelling the North Chicago City Railway Company to abandon their right to run upon and construct a railway in North Wells street.

[Passed December 17, 1860.]

Be it ordained by the Common Council of the city of Chicago:

54. EXTENSION OF TIME TO CONSTRUCT TRACKS—CONDITIONS.] SECTION 1. That the North Chicago City Railway Company shall have ten years in addition to the time fixed by the ordinance entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," for the construction of the several railways or any parts thereof, named therein, as follows: On Michigan street to Rush street; thence north, on Rush street, to Chicago avenue; thence, on Green Bay road, to Wolcott street; thence north, on Wolcott street, to Elm street; thence west, on Elm street, to Clark street; from Division street to Sedgwick street; thence, on Sedgwick street, to Green Bay road; also, from Rush street, on Chicago avenue, to Clark street: *Provided, however,* that this extension is upon this express condition, that the said North Chicago City Railway Company shall release all the right they now have, or may hereafter acquire, to construct and run a railway on North Wells street in said city, and the right is hereby granted to said company to construct and operate a horse railway, in accordance with the ordinance hereby extended on Franklin street, from its intersection with Chicago avenue, north to intersection with Division street.

An act to authorize the extension of horse railways in the city of Chicago

[Approved February 21, 1861.]

55. THE CHICAGO WEST DIVISION RAILWAY COMPANY INCORPORATED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That Edward P. Ward, William McAllister, Samuel B. Walker, James L. Wilson, Charles B. Brown, Nathaniel P. Wilder, and their successors, be, and they are hereby, created and constituted a body corporate and politic, by the name of "The Chicago West Division Railway Company," for the term of twenty-five years, with all the powers and authority pertaining to corporations for like purposes.

56. POWERS AND RESTRICTIONS—PROVISO.] SEC. 2. The said corporation shall possess all the powers conferred by, and be subject to all provisions contained in, the second, third, fifth and sixth sections of an act entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859: *Provided,* that nothing herein contained shall be so construed as to in any manner invalidate or injuriously affect any of the rights of either of the corporations created by said act, or to authorize the corporation hereby created to construct or use any railway track in the north division of Chicago, except by the written consent of the

North Chicago City Railway Company : *And further provided*, the consent of the owners of two-thirds of the property, by lineal measure, fronting upon the streets through which said railways shall pass, shall be obtained.

57. DIRECTORS, HOW APPOINTED—POWERS.] SEC. 3. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of said Charles B. Brown, James L. Wilson, William K. McAllister, Samuel B. Walker and Nathaniel P. Wilder, and thereafter of not less than three nor more than seven stockholders, who shall be chosen each and every year, by the stockholders, at such time and in such manner as the said corporation shall by its laws prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations for the government of said corporation and the management of its affairs and business as they may think proper, not inconsistent with the laws of this State.

58. SPECIAL POWERS.] SEC. 4. The corporation hereby created is authorized to purchase, hold and convey real or personal estate; to mortgage or lease its franchises and property; to acquire, unite and exercise any of the powers, franchises, privileges or immunities conferred upon the Chicago City Railway Company by the act aforesaid, or any ordinance of the common council of said city, upon such terms and conditions as may by contract between the said railway corporations be prescribed; and the consent of the board of directors of the said Chicago City Railway Company, manifested in writing, shall be a condition precedent to the corporation hereby created exercising the powers, or any of them, conferred upon it by the second section of the act aforesaid, as to any streets of said south and west divisions of Chicago, in which the said Chicago City Railway Company has acquired the right of laying down its track : *Provided*, that upon obtaining such contract or consent, as aforesaid, this corporation shall thereupon and thereby become entitled, as to the streets last above mentioned, and no others, to use the same according to the provisions of said contract and the ordinances aforesaid, anything herein contained to the contrary notwithstanding.

59. PENALTY FOR OBSTRUCTING TRACKS.] SEC. 5. If any person shall wilfully and maliciously obstruct either of the corporations aforesaid, or that hereby created, in the use of any of their railway tracks, or the passing of the cars of either of said corporations thereon, such person, and all who shall be aiding or abetting, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in a common jail for a period not exceeding three months.

60. PUBLIC ACT AND IN FORCE.] SEC. 6. This act shall be deemed a public act, and noticed by all courts as such without pleading, and shall take effect from its passage.

An ordinance exempting Canal street and other streets from railway uses, by substitution, and for other purposes.

[Passed November 18, 1861.]

Be it ordained by the Common Council of the city of Chicago :

61. CHANGE OF LINE OF RAILWAY.] SECTION 1. That in consideration of the extending by the Chicago City Railroad Company of its railway upon West Lake street, from Robey street to the west limits of the city, within ninety days from the passage hereof, and the release and surrender by said company of any and all right to lay down a railway track along the course of either Canal street, Harrison street, or Lake street, from the east line of Market street to the same line of Desplaines street, and which said streets, so released, the said city is to preserve and keep at all time free from any such railway, authority and consent are hereby given and granted unto said company to lay down and use a single or double track for a railway, with all necessary and convenient tracks for turn-outs and switches in and upon Desplaines street, from Lake street, aforesaid, to Randolph street, and in, upon and along Halsted street, from said Lake street, southerly, to Blue Island avenue, and thence on Blue Island avenue to the city limits, but which last mentioned railway on said Halsted street and Blue Island avenue, said company shall not be required to construct at any time within three years from the passage hereof.

62. EXTENSION OF TIME TO CONSTRUCT—MANNER OF CONSTRUCTION AND OPERATION.] SEC. 2. That the ordinance entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," passed August 16th, 1858, and also the ordinance entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859, and all amendments thereof, be, and the same are hereby, so amended as that the time therein prescribed for the construction of the several railways therein mentioned, except said West Lake street, from Robey to the city limits, aforesaid, and also excepting the railway upon Desplaines street and Milwaukee avenue, north of Lake street, aforesaid, is extended for the period of five years. That both as to the construction and maintenance of each and every of the aforesaid railways, said company shall use suitable rails of not less than a five-inch flange (except on Lake street west of Robey street) for the purpose ; shall avoid the unnecessary elevation of their tracks above the surface of the streets, and so lay, or where laid, so maintain the same as not necessarily to obstruct the passage of carriages or vehicles over them, or to impair the usefulness of the streets whereupon they are laid ; shall run cars or carriages thereon of a suitable style and description, and at all such times and rate of speed as the public convenience and safety shall, to it, seem to require.

63. FORFEITURE, WHEN—PROVISO.] SEC. 3. That if the said company shall fail to construct any portion of the railways aforesaid within the time prescribed for doing the same, it shall thereupon forfeit all right to such portion ; and if it fail to construct said railway on West Lake street, from Robey street to the city limits, within ninety days as aforesaid, it shall

upon forfeit all and singular the rights, privileges, and extension of by this ordinance granted, conferred, or intended, and all parts of the ordinances aforesaid, inconsistent with any of the provisions of this ordinance, are hereby repealed: *Provided*, that if said company shall be delayed by the order or injunction of any court of competent jurisdiction in completing any of the railways aforesaid, the time of such delay shall be excluded from the period prescribed herein for completing the same.

Resolution and release referred to in foregoing ordinance.

Resolved, That upon the approval by the mayor of the city of Chicago, of an ordinance on the 18th day of November, 1861, by the common council of said city, entitled "Ordinance exempting Canal street and other streets from railway uses, by substitution, for other purposes," the president and secretary of this company are authorized to sign, and deliver to the said city of Chicago, on behalf of this company, a release in the following form, that is to say:

IN CITY RAILWAY OFFICE, }
CITY OF CHICAGO. } ss. I, Geo. W. Fuller, Secretary of the Chicago City Railway Company, do hereby certify that the above is a true copy of a resolution of record by the board of directors of said company, on the 19th day of November, A. D. 1861. Witness my hand and the corporate seal of said company, this 19th day of November, A. D. 1861.
GEO. W. FULLER,
Secretary of the Chicago City R. W. Co.

WE ALL MEN BY THESE PRESENTS, That the Chicago City Railway Company, for and in consideration of the passage by the common council, and the approval of the mayor of the City of Chicago, of a certain ordinance entitled "An ordinance exempting Canal street and other streets from railway uses, by substitution, and for other purposes," have, and by these presents do hereby release and surrender unto the said city of Chicago, any and all right to own a railway track along the course of either Canal street, Harrison street or Lake street from the east line of Market street to the same line of Desplaines street: *Provided*, that nothing herein contained shall be so construed as to affect the right of said company to cross said Canal street at the point of intersection therewith by any east and west street upon which said company has the right to a railway track, or to cross said Canal street at the point of intersection therewith by Halsted street.

Testimony Whereof, The said The Chicago City Railway Company has caused these presents to be signed by its president and secretary, and its corporate seal hereunto affixed, this 19th day of November, A. D. 1861.

W. H. WAITE, *Pres't.*
GEO. W. FULLER, *Sec'y.*

An Ordinance concerning the State street horse railway.

[Passed August 11, 1862.]

Enacted and ordained by the Common Council of the city of Chicago:

SECTION 1. That the Chicago City Horse Railway Company be and is hereby permitted to build and lay down temporary tracks from Ringgold place to city limits on State street, and run cars thereon during the holding of the United States Horse Fair in September next.

SECTION 2. That said company shall have the privilege and be compelled to take up said track within twenty days after the expiration of said fair, and leave said street in as good condition as at the present time.

An ordinance authorizing temporary horse railroad tracks in the south division.

[Passed August 10, 1863.]

Be it ordained by the Common Council of the city of Chicago :

66. TEMPORARY TRACK ALLOWED ON CONDITIONS.] SECTION 1. That the Chicago City Railway Company is hereby authorized to lay a single or double track for a railway on State street, between Twenty-second and Twenty-third streets, and on Twenty-third street between State street and Cottage Grove avenue, and to operate the same in connection with the horse railroad of said company now on State street and Cottage Grove avenue: *Provided*, that said railway track shall be continued only during the construction of the main sewer now building on Twenty-second street between Cottage Grove avenue and State street, and that when said sewer is completed, the said track shall be removed by said company, and the said street be by them restored to as good condition as before being occupied by said track: *And provided, further*, that said railway company, in the laying, maintaining and operating said temporary railway, shall be subject to all the general liabilities, regulations, restrictions and conditions concerning the same, and during its continuance in said streets as herein above provided, as by the laws of this state or the ordinances of the city of Chicago are imposed on said company concerning other railway tracks laid and operated by them in the south division of said city.

67. BOARD OF PUBLIC WORKS TO SUPERVISE.] SEC. 2. The said temporary railway track shall be laid by the Chicago City Railway Company under the directions of the board of public works, subject however, to any regulations as to the manner of laying the track required by any existing ordinances of the city.

An ordinance for the preservation of certain streets of Chicago from railway uses.

[Passed November 16, 1863.]

Be it ordained by the Common Council of the city of Chicago :

68. STREETS TO BE KEPT FREE FROM RAILWAY USE FOR TWENTY YEARS.] SECTION 1. That whereas, by an act of the general assembly of the state of Illinois, entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14, 1859, and by an ordinance of the common council of said city entitled "An ordinance authorizing the construction and operation of certain horse railways in the streets of the city of Chicago," passed August 16, 1858; and, also, by a certain other ordinance of said city, in pursuance of the act aforesaid, entitled "An ordinance authorizing the extension and operation of certain horse railways in the streets of the south and west divisions of Chicago," passed May 23, 1859; and, also, by an ordinance of said city entitled "An ordinance exempting Canal street and other streets from railway uses by substitution, and for other purposes," passed November 18, 1861, authority and consent were and are duly granted to, vested in and accepted by the Chicago City Railway Company and its assigns, to construct single or double track horse railway

in, upon and along certain streets of said city, and to use the same for the period in said ordinances mentioned, among which said streets so mentioned are Wabash avenue and Lake street: and, whereas, it is deemed and considered by the common council of said city that the permanent interest and welfare of said city demand the exclusion of all such railways from said Wabash avenue and from all of said Lake street east of the east line of Peck street, and from certain other streets hereinafter named, and that the same should be kept at all times free from such railways, and that no other railways than those above authorized should be permitted upon the streets in said ordinances mentioned, or those wherein they are now in use; whereas, also the Chicago West Division Railway Company, in pursuance of an act of said general assembly, entitled "An act to authorize the extension of horse railways in the city of Chicago," approved February 21, 1861, has acquired by contract with the said Chicago City Railway Company, all such right to use said streets as was and hereby is granted to said last named company as aforesaid, as to all the streets in said west division, and certain of the streets in the south division of Chicago, in said ordinances mentioned; and the said respective railway companies are now willing to give up and effectually to surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of said Wabash avenue, or of said Lake street east of the east line of Peck street, and also each of said corporations to enter into covenant, under their respective corporate seals, to and with the city of Chicago, to absolutely refrain, for all time hereafter, from constructing or using any railway along the course of either of said streets as last named, or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets), upon condition that the railways of all other persons or corporations shall likewise be excluded therefrom: now, therefore, in consideration of all and singular the premises of said release and surrender as aforesaid, and of the making of the covenant by the said respective railway companies as aforesaid, the said common council do, by virtue and in pursuance of the said acts of the general assembly of the state of Illinois, and the powers therein otherwise vested by law, and for the promotion of the permanent interests of said city, ordain and declare that no railway track shall be constructed or used for or during the period of twenty years next hereafter, along the course of either Michigan avenue, Wabash avenue, Third avenue, Washington street, Lake street east of the east line of Peck street, Monroe street, Adams street or West Jackson street, or along any part or portion of the course thereof, nor shall the railway of any person or corporation, other than those above named and authorized as aforesaid, be constructed or used in, upon or along any of the several streets in said ordinances mentioned.

69. PENALTY FOR ENTERING UPON STREETS IN VIOLATION.] SEC.

2. That if any person or corporation shall enter upon either said Michigan avenue, Wabash avenue, Third avenue, Washington street, Lake street east of the east line of Peck street, Monroe street, Adams street or West Jackson street, or any portion of the same (except at their crossings), or dig up any portion of said several streets, or bring upon any portion thereof any

timber, ties, rails or other materials, with the intention of constructing an railway track along the course, in or upon either of said streets, said person or corporation, and all who shall be aiding or abetting, shall be subject to a fine of one hundred dollars for each and every offense.

70. CITY TO BE INDEMNIFIED AGAINST LIABILITY.] SEC. 3. This ordinance shall not be construed to create any obligation, either express or implied, which shall in any event render the said city of Chicago liable to any action or claim for damages at the suit of either of the horse railway companies herein before mentioned, or their successors or assigns.

71. TO TAKE EFFECT CONDITIONALLY.] SEC. 4. This ordinance shall be in force and take effect as soon as the same shall have been duly accepted by the said Chicago City Railway Company and the Chicago West Division Railway Company, and the covenants herein before mentioned shall have been duly executed by said companies respectively.

Covenants referred to in foregoing ordinance.

WHEREAS: At a regular meeting of the common council of the city of Chicago, held on the 16th day of November, A. D. 1863, an ordinance was passed, entitled "An ordinance for the preservation of certain streets of Chicago from railway uses," to which reference is hereby made as a part hereof; and whereas, it is, amongst other things in substance recited in said ordinance, that the Chicago City Railway Company is willing to give up and effectually surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of Wabash avenue or of Lake street east of the east line of Peck street, in said city; and also to enter into covenant under its corporate seal, to and with the city of Chicago, to absolutely refrain for all time hereafter from constructing or using any railway along the course of either of said streets last named, or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon certain conditions in said ordinance mentioned. Now, therefore, to signify the acceptance of the said ordinance, by the said Chicago City Railway Company, and to cause the same to go into force and effect as therein provided, these articles of agreement, made and entered into this 21st day of November, A. D. 1863, between the said the Chicago City Railway Company, the party of the first, and the city of Chicago, party of the second part, witness that the party of the first part, in consideration of the passage by the common council of the said ordinance as aforesaid, and the conditions and provisions therein contained, and in pursuance of a resolution of the board of directors of the said party of the first part, this day passed, has, and hereby does give up, effectually surrender and release the said party of the second part, any and all right of the party of the first part to construct or use any railway along the course of any portion of Wabash avenue, or of Lake street east of the east line of Peck street, in said city, and does hereby covenant and agree to and with the said party of the second part, in pursuance of said ordinance, that it, the said party of the first part, will absolutely refrain, for all time hereafter, from constructing or using any railway along the course of either of said last named streets, or along the course of either Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon the conditions aforesaid: *Provided* that nothing herein contained shall be so construed as to in any manner affect any of the rights of the said party of the first part to construct or use a railway upon any street of said city, not herein above specified.

Wherefore the said party of the first part has caused these presents to be signed by its president and secretary, and its corporate seal to be hereunto affixed, the day and year above written.

D. A. GAGE,

President Chicago City Railway Co.

[SEAL.] GEO. W. FULLER,

Secretary Chicago City Railway Company.

WHEREAS: At a regular meeting of the common council of the city of Chicago, held on the 16th day of November, A. D. 1863, an ordinance was passed, entitled "An ordinance for the

of certain streets of Chicago from railway uses," to which ordinance reference is made as a part hereof; and, whereas, it is, amongst other things in substance recited in said ordinance, that the Chicago West Division Railway Company is willing to give up and surrender to the city of Chicago any and all right to construct or use any railway along the course of any portion of Wabash avenue, or of Lake street, east of the east line of Peck street, in said city, and also to enter into covenant under its corporate seal to and with the city of Chicago, to absolutely refrain for all time hereafter, from constructing or using any railway along the course of either of said streets last named, or of Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street (except necessary crossings of said streets) upon certain conditions in said ordinance mentioned. Now, therefore, in acceptance of the said ordinance by the said the Chicago West Division Railway Company, and to cause the same to go into force and effect as therein provided, these articles of agreement, made and entered into this twenty-first day of November, A. D. 1868, between the Chicago West Division Railway Company, the party of the first, and the city of Chicago, the party of the second part, witness, that the party of the first part, in consideration of the same being so accepted by the common council of the said ordinance, as aforesaid, and the conditions and covenants therein contained, and in pursuance of a resolution of the board of directors of the said the first part, this day duly passed, has, and hereby does give up, effectually and release to the said party of the second part, any and all right of the party of the first part to construct or use any railway along the course of any portion of Wabash avenue, or of Lake street east of the east line of Peck street, in said city, and does hereby covenant to and with the said party of the second part, in pursuance of said ordinance, that the said party of the first part, will absolutely refrain, for all time hereafter, from constructing or using any railway along the course of either of said last named streets, or along the course of either Michigan avenue, Third avenue, Washington street, Monroe street, Adams street or West Jackson street, (except necessary crossings of said streets,) upon the conditions therein contained. *Provided*, that nothing herein contained shall be so construed as to in any manner deprive the said party of the first part of the rights of the said party of the first part to construct or use a railway upon the said city not herein above specified.

And the said party of the first part has caused these presents to be signed by its president, and its corporate seal to be hereunto affixed, the day and year above

J. R. JONES,

President The Chicago West Division Railway Company.

WM. H. OVINGTON,

Secretary The Chicago West Division Railway Company.

and the ordinance authorizing the connection of the tracks of the horse railways of the North Chicago City Railway and the Chicago City Railway Com-

[Passed January 18, 1864.]

Ordered by the Common Council of the city of Chicago:

AN ORDINANCE AUTHORIZING THE CONNECTION BETWEEN NORTH AND SOUTH RAILWAYS AUTHORIZED.]

1. That the North Chicago City Railway Company is hereby authorized to lay a single or double track, with the necessary curves and appurtenances, in and along Wolcott street, in the city of Chicago, from its intersection with Michigan street, to the center of the Chicago river, at such points and in such way as that they may make connections with the tracks of the Chicago City Railway Company (by arrangement with said company) at such points on the river, thereby making continuous lines of horse railway between the different divisions of the city; and for this purpose the last named company is authorized to lay a single or double track, with the necessary curves and appurtenances, from the present point of intersection of the tracks of said company on State street, with Lake street, in said city of Chicago, along said State street to the center of the Chicago river.

73. SUBJECT TO ORDINANCE OF MAY 23, 1859.] SEC. 2. The construction and operation of any road or roads that may be built under this ordinance, shall be subject to all the rules and limitations and restrictions that are prescribed in the ordinance heretofore passed by the common council, entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," approved May 23, 1859.

74. REPAIR OF STREETS—RAIL—FORFEITURE.] SEC. 3. That said companies shall, if a single track be laid, pave, macadamize, gravel or otherwise improve, in accordance with such ordinances as may be passed by the common council, eight feet in width on the street occupied by said track and if a double track be laid, they shall pave, macadamize, gravel or otherwise improve, in accordance with such ordinances as may be passed by the common council, sixteen feet in width, on the street occupied by said track. *Provided*, the form of rail to be used on said railroads, shall be the best and most modern improved tram rail: *And provided, further*, in case any or either of said railroad companies should fail to comply with the provisions of this ordinance, or any previous ordinance granting railroad privileges to said companies, that the privileges hereby granted shall cease and become forfeited.

An ordinance for releasing of North Desplaines street from railway uses, and the substitution of North Halsted street.

[Passed March 14, 1864.]

Be it ordained by the Common Council of the city of Chicago :

75. TRACK TO BE REMOVED FROM DESPLAINES TO HALSTED STREET.
SECTION 1. That because of the numerous steam railway tracks now laid and in use on Kinzie street, whereby a horse railway upon said Desplaines street would be seriously obstructed in its connection with that upon Milwaukee avenue, and made both dangerous and inconvenient to the public, and in consideration of the release by the Chicago West Division Railway Company to the city of Chicago of any and all right to use said Desplaines street for railway purposes, authority and consent are hereby given and granted unto said railway company to remove its railway tracks from said Desplaines street and to lay down and use a double track for a railway, with all necessary and convenient tracks for curves, turn-outs and switches, in and upon said North Halsted street, from the south line of West Lake street to the north line of Milwaukee avenue, subject to the conditions of the ordinances heretofore passed concerning said railway company or the Chicago City Railway Company, and all ordinances which may be hereafter passed concerning said West Division Railway Company: *Provided*, that no authority is hereby or shall be given to said company to construct or operate a single track on said North Halsted street.

76. PAVING OF STREET—CONDITION OF TRACK.] SEC. 2. The said Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall, at their own expense, keep sixteen feet in width in repair on said North Halsted street.

so far as the same is embraced in this ordinance, and keep their tracks in such condition that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of new improvement which may by ordinance be ordered at any time by the common council.

77. TIME IN WHICH TO COMPLY WITH ORDINANCE—PENALTY.] SEC.

3. The said railway company shall remove its track from said Desplaines street, and restore said street to its former state within thirty days from the time of the approval of this ordinance, and shall also within three months from said time construct a railway on said Halsted street, from the south line of said Lake street to said Milwaukee avenue, unless restrained by the order or injunction of some court of competent jurisdiction from so doing; and in case said company shall fail to remove said track from said Desplaines street, and construct a railway on Halsted street, according to the provisions of this ordinance, then the same shall forfeit all the rights and privileges by this ordinance granted or conferred.

78. WHEN ORDINANCE IN FORCE.] SEC. 4. This ordinance shall be in force from the time of the execution of the said release by the said the Chicago West Division Railway Company, under the hands of its proper officers and corporate seal, and the delivery thereof to the clerk of the city of Chicago.

An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street.

[Passed March 28. 1864.]

Be it ordained by the Common Council of the city of Chicago:

79. TRANSFER OF TRACK FROM DESPLAINES TO HALSTED STREET.]

SECTION 1. That because of the numerous steam railway tracks now laid and in use on Kinzie street, whereby a horse railway upon said Desplaines street would be seriously obstructed in its connection with that upon Milwaukee avenue, and made both dangerous and inconvenient to the public, and in consideration of the release by the Chicago West Division Railway Company to the city of Chicago of any and all right to use said Desplaines street for railway purposes, authority and consent are hereby given and granted unto said railway company to remove its railway tracks from said Desplaines street, and to lay down and use a double track for a railway, with all necessary or convenient tracks for curves, turn-outs and switches, in and upon North Halsted street, from the south line of West Lake street to the north line of Milwaukee avenue, subject to the conditions of the ordinances heretofore passed concerning said railway company or the Chicago City Railway Company: *Provided*, that no authority is hereby, or shall be, given to said company to construct or operate a single track on said North Halsted street.

80. IMPROVEMENT OF HALSTED STREET—CONDITION OF TRACK.] SEC.

2. The Chicago West Division Railway Company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall, at their

own expense, keep sixteen feet in width in repair on said North Halsted street, so far as the same is embraced in this ordinance, and keep their track in such condition that wagons, carriages and other vehicles can pass and re-pass at any and all points, and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of new improvement which may by ordinance be ordered at any time by the common council, on said Halsted street.

81. TIME LIMITED—FORFEITURE FOR FAILURE.] SEC. 3. The said railway company shall remove its track from said Desplaines street, and restore said street to its former state within thirty days from the time of the approval of this ordinance, and shall also, within three months from said time, construct a railway on said Halsted street, from the south line of said Lake street to said Milwaukee avenue, unless restrained by the order or injunction of some court of competent jurisdiction from so doing; and in case said company shall fail to remove said track from said Desplaines street and construct a railway on Halsted street, according to the provisions of this ordinance, then the same shall forfeit all the rights and privileges by this ordinance granted or conferred.

82. WHEN ORDINANCE TO TAKE EFFECT.] SEC. 4. This ordinance shall be in force from the time of the execution of the said release by the said the Chicago West Division Railway Company, under the hands of its proper officers and corporate seal, and the delivery thereof to the clerk of the city of Chicago.

Release referred to in foregoing ordinance.

KNOW ALL MEN BY THESE PRESENTS, That the Chicago West Division Railway Company, for and in consideration of the passage by the common council and the approval by the mayor of the city of Chicago, of a certain ordinance entitled "An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street," have, and, by these presents, do hereby release and surrender unto the said city of Chicago any and all right to lay down a railway track along the course of North Desplaines street, between Randolph street and Milwaukee avenue.

Witness the hands of the president and secretary of said company, and its corporate seal, this fourth day of April, A. D. 1864.

[SEAL.]

J. R. JONES, *President.*
WM. H. OVINGTON, *Secretary.*

An ordinance authorizing temporary horse railway tracks on Clinton street, between Madison and Randolph streets.

[Passed March 28th, 1864.]

Be it ordained by the Common Council of the city of Chicago:

83. TEMPORARY TRACK ON CLINTON STREET—CONDITIONS.] SECTION 1. That the West Division Railway Company is hereby authorized to lay a single or double track for a railway on Clinton street, between Madison and Randolph streets, and to operate the same in connection with the horse railroads of said company, now on Randolph and Madison streets: *Provided*, that said railway track shall be continued only during the construction of the proposed new bridge across the Chicago river at Randolph street, and that when said bridge is completed, the said track shall be removed by said

company, and the said street be by them restored to as good condition as before being occupied by said track: *And provided, further*, that the said railway company, in the laying, maintaining and operating said temporary railway, shall be subject to all the general liabilities, regulations and conditions concerning the same, during its continuance in said street, as herein above provided, as by the laws of the state and the ordinances of the city of Chicago are imposed on said company concerning other railway tracks operated by them in the city of Chicago.

84. BOARD OF PUBLIC WORKS TO SUPERVISE.] SEC. 2. The said temporary railway track shall be laid by the said West Division Railway Company, under the direction of the board of public works, subject, however, to any regulation, as to the manner of laying the track, required by any existing ordinance of this city.

85. PENALTY FOR NOT REMOVING TRACK.] SEC. 3. Should the said company, its successors or assigns, fail or neglect to remove the said temporary railway track or tracks and superstructure from off said Clinton street, within the first twenty days next ensuing the day on which the proposed new bridge at Randolph street shall be completed and in general use, the said company, its successors or assigns, shall, for each and every day, after the lapse of said twenty days, that the said railway track or tracks and superstructure are allowed to be and remain upon said Clinton street, be fined in the sum of fifty dollars, to be collected as other fines.

86. ORDINANCE TO TAKE EFFECT.] SEC. 4. This ordinance shall take effect and be in force from and after its passage and due publication.

An ordinance concerning horse railways on Clinton street.

[Passed July 11, 1864.]

Be it ordained by the Common Council of the city of Chicago:

87. CLINTON STREET TRACK MADE PERMANENT.] SECTION 1. That the ordinance entitled "An ordinance authorizing temporary horse railway tracks on Clinton street, between Madison and Randolph streets," passed March 28th, 1864, be so amended as that the third section and the provisions of said ordinance for a temporary use only of said Clinton street be, and the same are hereby, repealed.

88. GRADING ETC. OF STREET—CONDITION OF TRACK.] SEC. 2. That all the provisions and conditions contained in the second section of an ordinance entitled "An ordinance for the releasing of North Desplaines street from railway uses, and the substitution of North Halsted street," passed March 28, 1864, so far as the same applies to said Halsted street be, and the same is hereby, applied to said railway on Clinton street.

89. WHEN TO TAKE EFFECT.] SEC. 3. This ordinance shall take effect from and after its passage.

An ordinance authorizing the North Chicago City Railway Company to extend their tracks on certain streets.

[Passed August 11, 1864.]

Be it ordained by the Common Council of the city of Chicago:

90. CONSTRUCTION OF RAILWAYS ON STREETS AUTHORIZED.] SECTION

1. That permission and authority be, and is hereby, granted to the North Chicago City Railway Company to construct, maintain and operate a single or double track railway, with the necessary curves and side tracks, as an extension of the lines of railway now operated by said company, on the following streets, to wit: commencing at Chicago avenue and running on Larrabee street to Little Fort road, and thence on Little Fort road to the present or future city limits; and commencing at Larrabee street and running east on Linden street and Eugenie street to Wells street, and thence across Wells street, and on any street that may hereafter be laid out, to Green Bay road; except that on Larrabee street, from Chicago avenue to the north side of Hawthorne avenue, only a single track shall be laid.

91. TIME ALLOWED FOR COMPLETION.] SEC. 2. The line on Larrabee street, between Clybourn avenue and Center street, shall be completed within sixty days after the passage of this ordinance, unless restrained by a court of competent jurisdiction, and the other lines of railways hereinbefore mentioned shall be completed as soon as practicable after the passage of this ordinance; but whenever the common council shall determine that the public interest requires any of said lines to be constructed, and pass an ordinance that any of said lines shall be constructed in a period of time not less than ninety days after the passage of said ordinance, and actual notice thereof to said company, it shall be the duty of said company to comply with said ordinance: *Provided*, the work shall not be required to be done between the first day of November and the first day of May.

92. RIGHTS SUBJECT TO FORMER ORDINANCE.] SEC. 3. The permission and authority hereby granted are made subject to all the restrictions and conditions, the rights and privileges mentioned in the ordinance passed by the common council on the twenty-third day of May, 1859, entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," except as otherwise herein provided, reserving to the common council the right to regulate the laying down of tracks, and the kind of rail to be used.

93. FACILITIES FOR FUNERALS—RATES OF FARES.] SEC. 4. The said railway company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for the carrying of the corpse by itself; and on the application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at any designated point on the lines of any of its roads, to convey the corpse and persons attending the funeral to any cemetery to which their lines or connections may extend: *Provided*, that, if their funeral cars are all engaged for funeral purposes before any such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. Said company shall be entitled to charge not exceeding two dollars for each corpse, and not exceeding twenty cents for the round trip for each person conveyed on such funeral occasion. The said company shall, on its part, make an arrangement with the Chicago City Railway Company, and the Chicago West Division Railway Company, as soon as the bridge is built across Chicago river at State street, to convey the cars of either of said companies, used for funeral pur-

its successors or assigns, as respects grading, paving, macadam-filling or planking, shall, at their own expense, keep eight feet where a single track is used, and sixteen feet where a double track is used, of said streets, or parts thereof, so occupied, in good repair, so that carriages and other vehicles can pass and repass at any and all points, in any and all directions, and when any new improvement, paving, re-grading, planking or replanking, is ordered by the common council in any of the streets or parts of streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to the width of parts of the street, make such new improvements, on eight feet where a single track is used, or sixteen feet where a double track is used; and if the company shall refuse or neglect to make such new improvement within a reasonable time to be fixed by the ordinance, the work may be done by the city and the cost thereof assessed by the board of public works on said company and collected as other assessments, from any real or personal property owned by said company. But, if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city as in other cases, and the cost thereof assessed and collected of, said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or repairs required by any ordinances heretofore passed, after twenty days notice from the board of public works, the city may make the repairs and pay the cost thereof, by suit at law in any court of competent jurisdiction.

Stipulation in reference to foregoing ordinance.

August 18, 1864.

At a meeting of the directors of the North Chicago City Railway Company, held at the office of said company this eighteenth day of August, A. D. 1864, the following resolutions were adopted :

Resolved, That the North Chicago City Railway Company will and do hereby accept and assent to an ordinance passed by the common council of the city of Chicago on the 11th day of August, A. D. 1864, entitled 'An ordinance authorizing the North Chicago City Railway Company to exchange their tracks on certain streets,' and in so accepting the said ordinance, the said railway company do hereby declare that wherever the words 'eight feet' and 'sixteen feet' occur in the fifth section thereof, they mean, and shall be held to mean, 'eight feet in width,' and 'sixteen feet in

An ordinance creating new lines of horse railways, extending others, and regulating the use thereof.

[Passed August 17, 1864.]

Be it ordained by the Common Council of the city of Chicago:

95. CONDITIONAL EXTENSION OF WEST DIVISION RAILWAY TRACKS.]

SECTION 1. That, in consideration of the acceptance hereof and the undertaking by the Chicago West Division Railway Company to comply with the provisions of this ordinance, authority and consent is hereby given and granted unto the said the Chicago West Division Railway Company, its successors and assigns, to construct, lay down, operate and maintain horse railways, with the necessary side tracks and switches, in the manner and upon and along the several streets hereinafter mentioned. Commencing on Clinton street, at its intersection with Madison street, and running south, with a single or double track, to Harrison street; thence south, with a single track only, to Twelfth street. Commencing on Meagher street, at its intersection with Canal street, and running west, with a single or double track, to Jefferson street; thence north, on Jefferson street, with a single or double track, to Twelfth street; thence north, with a single track only, to Harrison street; thence north, with a single or double track, to Van Buren street. Commencing on Chicago avenue, at the river, so as to connect with the track of the North Chicago City Railway Company, and running west, with a single or double track, to the present or future city limits. Commencing on West Indiana street, at its intersection with Milwaukee avenue, and running west, with a single or double track, to the present or future city limits. Commencing on Catharine street, at its intersection with Blue Island avenue, and running west, with a single or double track, to Robey street. Commencing on Polk street, at the east line of Canal street, and running west, with a single or double track, to Jefferson street. Commencing on Desplaines street, at its intersection with Van Buren street, and running south, with a single or double track, to Sebor street; thence west, on Sebor street, to Halsted street. Commencing on Halsted street, at Harrison street, and running south, with a single or double track, to the south branch of the Chicago river. And commencing on Halsted street, at Milwaukee avenue, and running north, with a single or double track, to the centre of the north branch of the Chicago river: *Provided*, that the consent of the owners of two-thirds of the property, by lineal measure, fronting upon said streets, shall first be obtained.

96. LIMIT OF TIME FOR CONSTRUCTION.] SEC. 2. The said the Chicago West Division Railway Company, shall construct the railways aforesaid on Clinton street, Jefferson street and Meagher street, within ninety days from the passage of this ordinance, unless delayed by the order or injunction of some court of competent jurisdiction; and shall construct the railway on Chicago avenue, from Milwaukee avenue to Wood street, on West Indiana street, from Milwaukee avenue to Reuben street, and on Catharine street, from Blue Island avenue to Robey street, and on Halsted street, Desplaines street and Sebor street, within fifteen months from the passage of this ordinance.

97. IMPROVEMENT OF STREETS—FORM OF RAIL—REGULATIONS.]
SEC. 3. The said the Chicago West Division Railway Company, its successors and assigns shall, as respects the grading, paving, macadamizing, filling or planking of the streets or part of streets upon which they shall construct the said railways, or any of them, keep eight feet in width along the line of said railways, on all streets where one track is constructed, and sixteen feet in width along the line of said railways where two tracks are constructed, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions; and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council on any of said streets, or parts of said streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements, on eight feet in width where a single track is used—sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city as in other cases, and the costs thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances heretofore passed, and now in force in respect to horse railway companies, after twenty days notice from the board of public works, the city may make the repairs and collect the cost thereof, by suit at law, in any court of competent jurisdiction. And said company shall construct all and singular its said respective railways of the kind of rail, and be subject to and governed by the ordinances in force respecting such railways in the south and west divisions of Chicago, except as herein otherwise provided.

98. ANIMAL POWER TO BE USED.] SEC. 4. The cars to be used on said several railways shall be operated by animal power only; and said railways shall not, or any of them, connect with any other railroad operated by other power; nor shall any other person or corporation operate or use any railway cars or carriages upon or along any or either of said tracks or streets wherein such track is laid, without first having the consent, in writing, thereof of said railway company.

99. FACILITIES FOR FUNERALS—FARE.] SEC. 5. Said railroad company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for carrying the corpse by itself; and, on application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of its said roads, so as not to hinder or delay other cars thereon, to convey the corpse and persons attending the funeral to any cemetery to which its lines or connections extend: *Provided*, that if its funeral cars shall all be

engaged for funeral purposes before such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. And the said company shall make the best possible arrangement with the street railway companies whose lines do now or may hereafter extend to the cemeteries, to convey cars used for funeral purposes through to the cemeteries, so that the charge for conveying any corpse from points on said lines of railways through to the cemeteries shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip out and back.

100. ORDINANCE IN FORCE.] SEC. 6. This ordinance shall be in full force and effect from and after its passage.

Stipulation in reference to foregoing ordinance.

WHEREAS: The common council of the city of Chicago has passed an ordinance entitled "An ordinance creating new lines of horse railways, extending others, and regulating the use thereof," on the 17th day of August, A. D. 1864; and, whereas, the following provision occurs in the third section thereof, to-wit: "And said company shall construct all and singular its said respective railways of the kind of rail, and be subject to and governed by the ordinances in force respecting such railways in the south and west divisions of Chicago, except as herein otherwise provided;" and, whereas, some question has arisen as to whether the city of Chicago could, under said provision, regulate the kind of rail to be used by said company, now, for the purpose of removing all doubt on such question,

Resolved, by the Chicago West Division Railway Company, That said company admit, as a perpetual estoppel on it, its successors and assigns, that the said company are and shall be subject to the provisions of an ordinance passed by said common council on the 11th day of August, A. D. 1864, entitled "An ordinance prescribing the gauge and rail to be used on horse railways in the city of Chicago," and any future ordinances hereafter passed by the common council on the kind of rail to be used in said city on horse railways. And the said ordinance first named is and shall be accepted by the Chicago West Division Railway Company, with the express understanding and condition that the construction herein set forth, shall be given to the clause quoted in the preamble hereof.

OFFICE OF THE CHICAGO WEST DIVISION RAILWAY COMPANY,
Chicago, August 25th, 1864.

I hereby certify, that the foregoing is a true copy of a preamble and resolution passed this 25th day of August, A. D. 1864, by the board of directors of the Chicago West Division Railway Company.

[SEAL.]

WM. H. OVINGTON, *Secretary,*

An ordinance relating to horse railways in the South Division of Chicago.

[Passed August 22, 1864.]

Be it ordained by the Common Council of the city of Chicago:

101. CONDITIONAL EXTENSION OF SOUTH DIVISION TRACKS.] SECTION 1. That in consideration of the acceptance hereof, and the undertaking by the Chicago City Railway Company to comply with the provisions hereof, authority, permission and consent are hereby given, granted and duly vested in the said company, its successors and assigns, to construct, lay down, operate and maintain a single or double track railway, with all necessary turn-outs, side tracks and switches, in, upon and along Eighteenth street from State street railway to the east line of Wabash avenue; on State street from the south line of Lake street, northerly to the center of Chicago river, and on Indiana avenue a single track, from Twenty-second street to the present or future city limits: *Provided*, that the consent of the owners of two-thirds of

the property, by lineal measure, fronting upon said streets respectively, shall first be obtained.

102. TIME IN WHICH TO CONSTRUCT.] SEC. 2. The said railway on Eighteenth street and Indiana avenue shall be constructed within fifteen months after the passage of this ordinance (unless restrained by a court of competent jurisdiction) and the residue thereof as soon after the passage hereof as may be practicable; but whenever the common council shall duly determine that the public interest requires any of said lines to be constructed, then said company may be required, by ordinance of said city, to construct the same within ninety days after the passage and actual notice of such ordinance.

103. FORM OF RAIL—REPAIR OF STREETS—REGULATIONS.] SEC. 3. Said company shall construct said several railways of the kind of rail prescribed by the ordinance passed August 11th, 1864, entitled "An ordinance prescribing the guage and rail to be used on horse railways in the city of Chicago,"* and all others hereafter passed on the subject of the kind of rails to be used by horse railways, and shall be subject to and governed by the ordinances of the common council of said city respecting horse railways in the south and west divisions, in force, except as herein otherwise provided. The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense, keep eight feet in width where a single track is used, and sixteen feet in width where a double track is used, of said streets, or parts thereof, so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council in any of said streets or parts of streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements, on eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the costs thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvements on said streets should be made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinance heretofore passed and now in force in reference to the said railway company, after twenty days notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction.

*See Part I, chap. 18, "Horse railroads," sec. 2.

104. FACILITIES FOR FUNERALS—FARE.] SEC. 4. Said railroad company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for carrying the corpse by itself; and, on the application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of said roads, so it will not hinder or delay other cars thereon, to convey the corpse and persons attending the funeral, to any cemetery to which its lines or connections extend: *Provided*, that if its funeral cars shall be all engaged for funeral purposes before such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. And the said company shall make the best possible arrangement with the street railway companies whose lines do now or may hereafter extend to the cemeteries, to convey cars used for funeral purposes through to the cemeteries, so that the charge of conveying any corpse from points on said lines of railways through to the cemeteries, shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip out and back.

105. ANIMAL POWER—CONNECTION WITH OTHER RAILWAYS.] SEC. 5. The cars to be used on said several railways shall be operated by animal power only. Said railways shall not, or any of them, except as herein otherwise provided, connect with any other railroad operated by other power; nor shall the railway cars or carriages of any other person or corporation be used or operated upon or along any of the said railways, or any or either of the above mentioned streets, except with the consent of the said company. The said company is hereby permitted to operate or use upon or along any of said railways the cars or vehicles of any other railway company, person or corporation for funeral processions.

106. WHEN IN FORCE.] SEC. 6. This ordinance shall be in full force from and after its passage.

An act concerning horse railways in the city of Chicago.

[Passed over veto February 6, 1865.]

107. FRANCHISES EXTENDED FOR NINETY-NINE YEARS.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That the first section of an act of said general assembly entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14, 1859, and the first sections of a certain other act of said general assembly, entitled "An act to authorize the extension of horse railways in the city of Chicago," approved February 21, 1861, be, and the same are hereby, so amended as that all the words in said respective sections after the word "company" therein respectively, shall be and read as follows, viz: For ninety-nine years, with all the powers and authority hereinafter expressed, or pertaining to corporations for the purposes hereinafter mentioned.

108. ENLARGEMENT OF GENERAL POWERS.] SEC. 2. That the second section of the act first above referred to by its title, and which section is included in and made a part of the act secondly above referred to by the title

the property, by lineal measure, fronting upon said streets respectively, shall first be obtained.

102. TIME IN WHICH TO CONSTRUCT.] SEC. 2. The said railway on Eighteenth street and Indiana avenue shall be constructed within fifteen months after the passage of this ordinance (unless restrained by a court of competent jurisdiction) and the residue thereof as soon after the passage hereof as may be practicable; but whenever the common council shall duly determine that the public interest requires any of said lines to be constructed, then said company may be required, by ordinance of said city, to construct the same within ninety days after the passage and actual notice of such ordinance.

103. FORM OF RAIL—REPAIR OF STREETS—REGULATIONS.] SEC. 3. Said company shall construct said several railways of the kind of rail prescribed by the ordinance passed August 11th, 1864, entitled "An ordinance prescribing the guage and rail to be used on horse railways in the city of Chicago,"* and all others hereafter passed on the subject of the kind of rails to be used by horse railways, and shall be subject to and governed by the ordinances of the common council of said city respecting horse railways in the south and west divisions, in force, except as herein otherwise provided. The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall at their own expense, keep eight feet in width where a single track is used, and sixteen feet in width where a double track is used, of said streets, or parts thereof, so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points, and in any and all directions, and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council in any of said streets or parts of streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other contiguous parts of the street, make such new improvements, on eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the costs thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvements on said streets should be made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinance heretofore passed and now in force in reference to the said railway company, after twenty days notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction.

*See Part I, chap. 18, "Horse railroads," sec. 2.

104. FACILITIES FOR FUNERALS—FARE.] SEC. 4. Said railroad company shall keep on hand a sufficient number of cars adapted to funeral purposes, in which shall be suitable compartments for carrying the corpse by itself; and, on the application of any person, shall furnish not exceeding three cars, unless more shall be agreed upon, at some convenient point on the line of said roads, so it will not hinder or delay other cars thereon, to convey the corpse and persons attending the funeral, to any cemetery to which its lines or connections extend: *Provided*, that if its funeral cars shall be all engaged for funeral purposes before such application is made, the company shall not be bound to furnish the same until such prior engagement is fulfilled. And the said company shall make the best possible arrangement with the street railway companies whose lines do now or may hereafter extend to the cemeteries, to convey cars used for funeral purposes through to the cemeteries, so that the charge of conveying any corpse from points on said lines of railways through to the cemeteries, shall not exceed two dollars, and for each person attending such funeral not exceeding twenty-five cents for the round trip out and back.

105. ANIMAL POWER—CONNECTION WITH OTHER RAILWAYS.] SEC. 5. The cars to be used on said several railways shall be operated by animal power only. Said railways shall not, or any of them, except as herein otherwise provided, connect with any other railroad operated by other power; nor shall the railway cars or carriages of any other person or corporation be used or operated upon or along any of the said railways, or any or either of the above mentioned streets, except with the consent of the said company. The said company is hereby permitted to operate or use upon or along any of said railways the cars or vehicles of any other railway company, person or corporation for funeral processions.

106. WHEN IN FORCE.] SEC. 6. This ordinance shall be in full force from and after its passage.

An act concerning horse railways in the city of Chicago.

[Passed over veto February 6, 1865.]

107. FRANCHISES EXTENDED FOR NINETY-NINE YEARS.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That the first section of an act of said general assembly entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14, 1859, and the first sections of a certain other act of said general assembly, entitled "An act to authorize the extension of horse railways in the city of Chicago," approved February 21, 1861, be, and the same are hereby, so amended as that all the words in said respective sections after the word "company" therein respectively, shall be and read as follows, viz: For ninety-nine years, with all the powers and authority hereinafter expressed, or pertaining to corporations for the purposes hereinafter mentioned.

108. ENLARGEMENT OF GENERAL POWERS.] SEC. 2. That the second section of the act first above referred to by its title, and which section is included in and made a part of the act secondly above referred to by the title

thereof, be, and the same is hereby, as to both of said acts, so amended as to read as follows, viz. : The said corporation is hereby authorized and empowered to construct, maintain and operate, a single or double track railway, with all necessary and convenient tracks for turn-outs, side tracks and appendages, in the city of Chicago, and in, on, over and along such street or streets, highway or highways, bridge or bridges, river or rivers, within the present or future limits of the south and west divisions of the city of Chicago, as the common council of said city have authorized said corporations, or any of them, or shall from time to time authorize said corporations, or either of them, so to do, in such manner, and upon such terms and conditions and with such rights and privileges, immunities and exemptions, as the said common council has, or may, by contract with said parties, or any or either of them, prescribe ; and any and all acts or deeds of transfer of rights, privileges or franchises, between the corporations in said several acts named, or any two of them, and all contracts, stipulations, licenses and undertakings, made, entered into or given, and as made or amended by and between the said common council and any one or more of the said corporations, respecting the location, use or exclusion of railways in or upon the streets, or any of them, of said city, shall be deemed and held and continued in force during the life hereof, as valid and effectual, to all intents and purposes, as if made a part, and the same are hereby made a part, of said several acts : *Provided*, that it shall be competent for the said common council, with the written consent or concurrence of the other party or parties, or their assigns, to any of said contracts, stipulations, licenses or undertakings, to amend, modify or annul the same. But said corporations shall not, or any or either of them, be liable for the loss of any property or thing carried on said railways, kept in and under the care of its owner, his servant or agent : *Provided*, that any contract hereafter made by the common council of the city of Chicago with either of the corporations referred to in this act, for a higher rate of fare than five cents, shall be subject to modification or repeal at any regular meeting of said common council, by a majority vote of all the aldermen elected, or by the general assembly of the state of Illinois.

109. FRANCHISE OF CHICAGO AND EVANSTON RAILROAD CONFIRMED.]

SEC. 3. An ordinance of the common council of the city of Chicago, entitled "An ordinance concerning the maintenance and operation of the Chicago and Evanston Railroad in the limits of the city of Chicago," as passed on the 17th day of August, A. D. 1864, is hereby confirmed, and shall be deemed and held to confer on the Chicago and Evanston Railroad Company power and authority to construct and operate their road in the streets and over the bridge mentioned therein, until the same is altered, changed or amended by the common council, with the consent of said company. And such ordinance may, from time to time, be changed, altered or amended, and such other provisions be made as, to the common council, may seem proper, and be agreed to by said company. The prohibition as to the use of certain streets, in the second section of the charter of the Chicago and Evanston Railroad Company is hereby re-enacted, and shall remain in force until altered, released or amended by the common council of the city of Chicago and said company.

110. POWER TO HOLD PROPERTY AND MANUFACTURE.] SEC. 4. Each of said corporations shall be authorized to purchase, hold and convey real or personal estate, necessary for the use of said corporation, and to manufacture materials, machinery and rolling stock for the use of such corporation.

111. ACT PUBLIC.] SEC. 5. This act shall be deemed a public act, and noticed by all courts as such, without pleading, and shall take effect from its passage.

An ordinance prescribing time of running cars.

[Passed August 26, 1867.]

Be it ordained by the Common Council of the City of Chicago :

112. NIGHT-CARS IN WEST DIVISION.] SECTION 1. That from and after this ordinance shall take effect, the Chicago West Division Railway Company be, and they are hereby, required to run at least one car from Randolph street, at its intersection with State street, over and along the usual streets to Milwaukee avenue, and thence on and along said Milwaukee avenue as far as the said company's track is now laid, as late as eleven and one-half o'clock and twelve o'clock of each and every night, Sundays excepted.

113. PENALTY.] SEC. 2. The said company shall be liable to a fine of not less than twenty-five dollars, nor exceeding one hundred dollars, for each and every violation of the foregoing section.

114. IN FORCE WHEN.] SEC. 3. This ordinance shall take effect and be in force from and after its passage and publication.

An ordinance prescribing time of running cars.

[Passed August 26, 1867.]

Be it ordained by the Common Council of the city of Chicago :

115. NIGHT CARS IN WEST DIVISION.] SECTION 1. That from and after this ordinance shall take effect, the Chicago West Division Railway Company be, and they are hereby, required to run at least one car from Randolph street at its intersection with Lake street, over and along the usual streets to Blue Island avenue, and thence on and along said Blue Island avenue as far as the said company's track is now laid, as late as eleven and one-half o'clock and twelve o'clock of each and every night, Sundays excepted.

116. PENALTY.] SEC. 2. The said company shall be liable to a fine not less than twenty-five dollars for each and every violation of the foregoing section.

117. ORDINANCE IN FORCE.] SEC. 3. This ordinance shall take effect and be in force from and after its passage and due publication.

An ordinance concerning the running of cars on the West Division railway.

[Passed January 11, 1869.]

Be it ordained by the Common Council of the city of Chicago :

118. TIME FOR STARTING CARS.] SECTION 1. That the Chicago West

a Railway Company be and they are hereby ordered and directed to run a car between State street and Wood street once in every three minutes on Randolph street, and once in every five minutes on Madison street; and to run a car once in every five minutes on the Clinton and Jefferson, on the Grand avenue and on the Milwaukee avenue lines, in said city, between the hours of six o'clock and eight o'clock in the morning, and between twelve and two o'clock, and between five o'clock and seven o'clock in the afternoon of each and every day.

[PENALTY.] SEC. 2. That upon a failure to comply with the provisions of the foregoing section, the said company shall be subject to a fine of less than five dollars nor more than one hundred dollars, for each and every violation thereof, to be recovered in any court of competent jurisdiction.

[IN FORCE WHEN.] SEC. 3. This ordinance shall be in full force and effect from and after its passage and due publication.

An ordinance relating to the State street dummy.

[Passed October 3, 1870.]

Enacted by the Common Council of the city of Chicago:

[DUMMY PROHIBITED NORTH OF EGAN AVENUE.] SECTION 1. That the Chicago City Railway Company be, and it is hereby, prohibited from using steam as a motive power on State street, north of Egan avenue, after the 31st day of December, A. D. 1871—and in the meantime to operate its dummy engine on its Stock Yard line, as it is now doing, within the city limits to Thirty-first street: *Provided*, it will, by resolution of the board of directors, signify its assent hereto and undertake to operate said line with horses to said city limits from the said thirty-first day of December, with a sufficient number of cars drawn by horses to accommodate the public travel thereon: *And provided, further*, that during said period the fare for the whole distance between Randolph street and the said city limits shall not exceed the sum of five cents: *And provided, further*, that a copy of this resolution, duly certified by the secretary of said company, shall be deposited in the office of the city clerk within thirty days after the passage of this ordinance.

[PENALTY.] SEC. 2. That in case the said Chicago City Railway Company shall fail, or refuse or neglect to discontinue the use of steam in running their said cars on the State street line, south of Thirty-first street, north of Egan avenue, as provided in section one of this ordinance, then said company shall be liable to a fine of twenty-five dollars for each and every day, or part of a day, they may so violate the provisions of said section, to be recovered before any court of competent jurisdiction.

An ordinance relating to the Chicago City Railway Company.

[Passed November 21, 1870.]

Enacted by the Common Council of the city of Chicago:

[EXTENSION OF TRACK ON CLARK TO TWENTY-SECOND STREET.] SECTION 1. That the Chicago City Railway Company is hereby empowered

to extend its track or tracks now authorized on South Clark street, from the terminus thereof on Polk street to Twenty-second street, and to operate and maintain the same: *Provided*, that said track or tracks shall be completed one year after the removal of existing railway tracks running through said street (unless restrained by the order of some court of competent jurisdiction). But said track, or tracks, shall not be constructed south of Twelfth street until after the removal of existing railway tracks running through said street; *And provided, further*, that all ordinances now in force regulating the kind and description of rail to be used by street railways and the construction thereof, as well as those relating to the ordinary repairs of the streets used by said Chicago city railways, shall apply to said Clark street: *And provided, further*, that said track shall not be constructed south of Polk street until said company shall have constructed said track from Randolph street to that point.

An ordinance authorizing the Chicago City Railway Company to use steam dummy on its track, etc.

[Passed January 16, 1871.]

Be it ordained by the Common Council of the city of Chicago :

124. RIGHT TO USE DUMMY.] SECTION 1. That the Chicago City Railway Company is hereby authorized to use its steam dummy engines upon any of its tracks for the purpose of clearing the same from snow: *Provided, however*, that such steam dummy engines shall be used only between the hours of twelve o'clock at night and five o'clock in the morning: *And provided, further*, that the right and authority hereby granted may be at any time withdrawn, and this ordinance repealed by the common council of said city.

An ordinance in relation to laying a railroad track on Lincoln avenue.

[Passed May 8, 1871.]

Be it ordained by the Common Council of the city of Chicago :

125. NORTH CHICAGO COMPANY—RIGHT ON LINCOLN AVENUE.] SECTION 1. That permission and authority is hereby granted to the North Chicago City Railway Company to construct, maintain and operate a single or double track railway, with the necessary curves and side tracks, as an extension of the lines now operated by said company on the following streets, to wit: Commencing at North Clark street, and running west on Center street to Lincoln avenue, and thence along said avenue to the present or future limits of the city.

126. CONDITIONS OF THE GRANT.] SEC. 2. The permission and authority hereby granted are made subject to all the restrictions and conditions, the rights and privileges mentioned in the ordinance passed by the common council on the 23d day of May, 1859, entitled "An ordinance authorizing the construction and operation of horse railways in the north division of the city of Chicago," and all contracts by and between the common council of the city of Chicago and the North Chicago Railway Company, applicable to the line of said railway on North Clark street, shall be, and is hereby, extended to its said line on said Center street and Lincoln avenue.

127. TIME IN WHICH TO LAY.] SEC. 3. The said company shall complete a single track in said streets, from North Clark street to Fullerton avenue, on or before the first day of June, 1872, unless restrained by some court of competent jurisdiction.

128. WHEN IN FORCE.] SEC. 4. This ordinance shall take effect whenever it shall be accepted by said company, but unless accepted within thirty days after the passage thereof, the same shall be null and void.

Resolution of company accepting.

To the Honorable the Mayor and Common Council of the city of Chicago :

The North Chicago City Railway Company respectfully submit the following resolution, passed by its board of directors on the 5th day of June, 1871 :

WHEREAS : The common council of the city of Chicago passed an ordinance on the 8th day of May, 1871, which was approved by the mayor on the 15th day of the same month, granting permission to the North Chicago City Railway Company to use portions of Center street and Lincoln avenue for the construction and operation of railway tracks; and, whereas, there is no time expressly named or referred to in said ordinance, as the period of time during which such permission shall run, and there is now doubt expressed as to the true meaning and construction of said ordinance, as to the extent of the rights and privileges, as well as the conditions and restrictions thereof; now therefore,

Resolved, That the North Chicago City Railway Company hereby accept said ordinance and assents to the proposition herein contained: *Provided,* that said ordinance be construed to mean that said railway company may have the same rights and privileges that it now has on North Clark street, shall be subject to the same conditions and restrictions now imposed on said company on North Clark street, and may use parts of streets designated in said ordinance for the same length of time it is now authorized to use North Clark street, and that the common council assent to this construction.

In witness whereof, I, H. N. Towner, secretary of the North Chicago City Railway Company, have, on this 5th day of June, 1871, signed my name and affixed the seal of said corporation.

[SEAL.]

H. N. TOWNER, *Secretary.*

Acceptance by Common Council.

[Passed May 6, 1872.]

Resolved, That the city of Chicago assent to the acceptance of the North Chicago City Railway Company, by resolution of June 8, 1871, of the ordinance authorizing it to use parts of Center street and Lincoln avenue, passed May 8, 1871, and approved May 15, 1871, but the time for which said company may use said parts of streets as provided in the ordinance is fixed at twenty-five years from and after the passage of the ordinance, and the time for completing said tracks is extended from the 1st day of June, 1872, for ninety days: *Provided,* that nothing herein contained, or in the original ordinance, shall be so construed as to give the sanction, consent or assent of this common council to the ninety-nine year franchise claimed by said railway company or any other horse railway company under the act of the general assembly entitled "An act concerning horse railways in the city of Chicago," passed over the governor's veto, February 6, 1865.

an ordinance authorizing the extension of the horse railway on Indiana Avenue.

[Passed November 13, 1871.]

it ordained by the Common Council of the city of Chicago :

29. EXTENSION OF TIME TO CONSTRUCT.—PROVISO.] SECTION 1.

That the first and second sections of "An ordinance relating to horse rail- in the south division of Chicago," passed August 22, 1864, be, and the are hereby, so amended that the time for the construction of the single railway, with necessary turn-outs, side tracks and switches, in said or-

dinance mentioned, on Indiana avenue, be extended for the term of two years from the passage of this ordinance: *Provided*, however, that if said Chicago City Railway Company shall be delayed by the order or injunction of any court, the period of such delay shall be added to such extended time and the right and authority of the said Chicago City Railway Company to maintain and use its track and tracks now existing on Indiana avenue and Eighteenth street, with all convenient turn-outs, side tracks, turn tables and switches, are hereby confirmed for the time provided in said ordinance.

130. DOUBLE TRACK ALLOWED—PROVISO.] SEC. 2. That said first and second sections of said ordinance relating to horse railways in the south division of Chicago, passed August 22, 1864, be, and the same are hereby so amended that said Chicago City Railway Company may construct, lay down and operate, and maintain a double track railway upon said Indiana avenue, from the north line of Twenty-second street to the present and future city limits, in lieu of a single track, side tracks, switches and turn-outs: *Provided*, that the consent of the owners of the majority of the property by lineal measure, fronting upon said avenue between said Twenty-second street and said city limits, shall be first obtained: *Provided, also*, that said track shall be laid as near in the center of said avenue as may be practicable, and shall not occupy more than fourteen feet in width: *Provided, also*, that said company, its successor, or assignees, shall, at its own expense, keep eight feet in width where a single track is used, and sixteen feet in width where double track is used of said avenue, or parts thereof, so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass any and all points and in any and all directions; and when any new improvements, paving, repairing, planking or replanking is ordered by the common council in said avenue, or any part thereof, the said company shall, in like manner, and with like material as required of the property to other contiguous parts of said avenue, make such new improvements eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neglect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvements on said avenue should be made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and collected of said company in the manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid or the repairs required by any ordinances heretofore passed and now in force in reference to the said railway company, after twenty days' notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction.

An ordinance authorizing the extension of tracks of the Chicago West Division Railway Company on West Van Buren street.

[Passed November 13, 1871.]

Be it ordained by the Common Council of the city of Chicago :

131. AUTHORITY TO LAY TRACK ON VAN BUREN STREET.] SECTION

1. That the Chicago West Division Railway Company be, and is hereby, authorized and permitted to lay down and maintain a single or double track railway, with all the necessary turn-outs, switches and side tracks, on West Van Buren street, from the east line of Southwestern plank road (or Ogden avenue) to Western avenue, and to run its cars there, on the condition with its track on South Clark street, Van Buren street, east of Southwestern plank road, but the said company shall not be required to lay its track west of Hoyne street, until said Van Buren street shall be opened and continued direct between Hoyne and Leavitt streets.

132. CONDITIONS OF THE GRANT.] SEC. 2. All contracts by and between the city of Chicago and said railway company, applicable to the line, its line on Van Buren street east of Southwestern plank road (or Ogden avenue), shall be, and are hereby, extended to its line on Van Buren street west of Southwestern plank road hereby authorized, and the said company shall enjoy and exercise the same privileges, and be subject to the conditions on line hereby authorized, as now apply to its line on said West Van Buren street, east of Southwestern plank road.

133. TIME IN WHICH TO CONSTRUCT.] SEC. 3. The said railway company shall lay, or cause to be laid, a single or double track on said West Van Buren street, from Southwestern plank road to Hoyne street, within six months from the passage of this ordinance, and from Hoyne street to Western avenue within six months from and after said Van Buren street shall be opened between Hoyne and Leavitt streets; otherwise this ordinance shall be null and void, and the right of way hereby granted to said company shall cease.

An ordinance authorizing the connection of the tracks of the horse railway of the North Chicago City Railway and the Chicago City Railway on Clark street.

[Passed November 20, 1871.]

Be it ordained by the Common Council of the city of Chicago :

134. CONNECTION OF LINES ON CLARK STREET BRIDGE.] SECTION 1.

That the North Chicago City Railway Company is hereby authorized to lay a double track, with the necessary appendages, in and along North Clark street, in the city of Chicago, from its intersection with North Water street to the center of Chicago river, in such a way that it may make connections with the tracks of the Chicago City Railway Company at such center of the river, on the bridge; and the last named company is authorized to lay a double track, with the necessary appendages, from the center of the Chicago river, on the bridge, connecting with the tracks of the former company, and thereby making a continuous line to the court house for the North Chicago City Railway Company, under its lease and contract with the Chicago City

Railway, and a connection between the lines of said companies on Clark street.

135. CONDITIONS OF THE GRANT.] SEC. 2. The construction and operation of the tracks that may be built under this ordinance shall be subject to all the rules and limitations and restrictions that are prescribed in the ordinance heretofore passed by the common council entitled "An ordinance authorizing the construction and operation of horse railways in the North Division of the city of Chicago," approved May 23, 1859.

136. IMPROVEMENT OF STREET.] SEC. 3. That the said companies shall pave, macadam, gravel, or otherwise improve, in accordance with such ordinances as may be passed by the common council, sixteen feet in width on the streets occupied by said track.

137. DURATION OF FRANCHISE.] SEC. 4. The rights and privileges herein and hereby granted shall continue for the term of—— years after the passage of this ordinance, and it shall not be construed so as to effect in any way the extension of time granted by the legislature, in an act entitled "An act concerning horse railways in the city of Chicago," passed February 6, 1865, it not being the intention of the common council, or said company, by the passage and acceptance of this ordinance, to ratify or modify such extension of time.

Resolution in relation to track on Fifth avenue.

[Passed February 5, 1872.]

138. RIGHT TO REMOVE AND RESTORE TRACK.] Resolved, By the common council of the city of Chicago, that authority and consent be, and the same are hereby, granted to the Chicago West Division Railway Company to take up and remove temporarily their railway track on Wells street (on Fifth avenue), between Van Buren and Polk streets, with the right to reconstruct and restore the same, with the necessary curves and side tracks, whenever it shall be deemed by them desirable so to do; and afterward to maintain and use the said track upon the same terms and conditions, and with the same privileges, immunities, and exemptions heretofore granted to said company under existing ordinances and contracts, and contracts relating to the use of that portion of said street for railway purposes.

Resolution in relation to track on Van Buren street.

[Passed July 8, 1872.]

139. PREAMBLE.] WHEREAS: On the 13th day of November, 1871, an ordinance was passed authorizing the Chicago West Division Railway Company to extend their rails on West Van Buren street from their present termination at Southwestern avenue; and whereas, under the third section of said ordinance said company were required to lay down the rails and complete the track as far west as Hoyne street within six months after the date of the passage of said ordinance, and the difficulty of laying the rails during the winter months having prevented the company from completing the same during the time so limited as aforesaid; now, therefore, be it

140. EXTENSION OF TIME TO LAY RAIL.] Resolved, By the common

council of the city of Chicago that the time within which said company shall lay its rails and complete its said track to Hoyne street, as aforesaid, is hereby further extended six months from and after the time so limited as aforesaid in the third section of said ordinance.

THE CHICAGO AND EVANSTON RAILROAD COMPANY.*

SECTION.

1. The company incorporated.
2. Its powers—Right to lay tracks—Prohibited streets.
3. Capital stock.
4. Directors, how appointed.
5. Right of way—How obtained.
6. Duration of franchise.
7. Preamble of ordinance—Location of road.
8. Streets on which tracks may be laid—Conditions.

SECTION.

9. Repair of streets—Cars—Rates of fares—Funerals.
10. To maintain office.
11. May build bridge at LaSalle street—Proviso.
12. When railway to be completed—Forfeiture—Proviso.
13. When ordinance in force—Stipulation of company construing ordinance.
14. Act confirming ordinance.

An act to incorporate the Chicago and Evanston Railroad Company.

[Approved February 16, 1861.]

1. THE COMPANY INCORPORATED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly, that James G. Hamilton, George W. Thompson, Orrington Lunt, Hugh T. Dickey, Jabez K. Botsford, S. B. Chase, Henry Smith, Edwin Haskins, Thomas C. Hoag, Isaac N. Arnold, J. F. Willard and John Evans, and their associates, who may be such by becoming stockholders in this company, and their successors, be and they are hereby created a body politic and corporate, by the name and style of "The Chicago and Evanston Railroad Company," with power to sue and be sued, plead and be impleaded; to adopt a common seal and alter it at pleasure; to adopt such by-laws and regulations as they may deem expedient; and to have and exercise all other rights and powers necessary to carry out the intentions of this act.*

2. POWER—TRACKS ON CERTAIN STREETS PROHIBITED.] SEC. 2. They shall have power to locate, construct, maintain and operate, with horse or locomotive cars, from the city of Chicago to any point in the town of Evanston, a railroad with a single or double track, turn-outs, sidings, depots and all other necessary appliances. They may contract with the North Chicago Horse Railroad Company, or any other company or party, to operate their road, or the road of such other party, either separately or jointly, as may be agreed upon. They may acquire, by donation, stock subscription or purchase, dispose of and convey, as they may deem expedient, real estate not to exceed in value, on hand at any one time, the capital stock of the company; and for the purpose of carrying out the intentions of this act, they shall have power to borrow money, not to exceed in amount the capital stock of the company, and to secure the payment thereof by pledge or mortgage of any or all of its property, rights, credits and franchises. No authority is or shall be granted to said company, or to any other corporation or party, by the city of Chicago, to lay any railroad track in Wells, Dearborn, Wolcott,

*See also Part II, chapter 17, "Railroads," Chicago and Pacific Railroad Company, Sec. 8.

Cass, Rush, Pine, North or South Clark streets, or in Wabash or Michigan avenues, in the city of Chicago; but the laying of the same is hereby expressly prohibited.

3. CAPITAL STOCK.] SEC. 3. The capital stock of the company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each. It may be increased by a two-thirds vote of all the stock of the company, at any regular meeting of the stockholders, to an amount not to exceed three hundred thousand dollars. Books may be opened for subscriptions to the stock of the company, as may be deemed expedient by the board of directors.

4. DIRECTORS—HOW APPOINTED.] SEC. 4. The affairs of the company shall be managed by a board of twelve directors, a majority of whom shall form a quorum. After the expiration of the term of the first board there shall be elected, annually, by the stockholders, as may be provided in the by-laws, and shall hold their office for one year, and until their successors are elected. The persons herein named as corporators shall be the first board of directors.

5. PROCEEDING TO OBTAIN RIGHT OF WAY.] SEC. 5. In procuring the right of way for said railroad, they shall be entitled to such privileges and rights to cross or run along highways as may be granted by the commissioners of highways of the towns through which it may pass; and when, on account of non-residence, minority, or other disability to sell, on the part of owners of property, or where parties refuse to grant their property, or fail to agree as to compensation for the right of way or depot grounds, said company may condemn and take the same, according to the provisions of "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, 1852.

6. FRANCHISE, FIFTY YEARS.] SEC. 6. This act shall take effect and be in force from and after its passage, and continue for fifty years.

An ordinance concerning the maintenance and operation of the Chicago and Evanston railroad in the limits of the city of Chicago.

[Passed August 17, 1864.]

7. PREAMBLE—LOCATION OF ROAD.] WHEREAS: Under and by virtue of an act of the general assembly of the state of Illinois, entitled "An act to incorporate the Chicago and Evanston Railroad Company," approved February 16, 1861, certain persons therein named, their associates and successors, are created a body politic and corporate by the name and style of "The Chicago and Evanston Railroad Company," and are authorized to locate, construct, maintain and operate with horse power or locomotive cars from the city of Chicago (excepting certain streets in said city) to Evanston; and whereas, as the said railroad company have, in pursuance of said act, commenced the location of their line of railroad, and desire to locate as follows: Commencing at the intersection of Madison street and La Salle street, and running thence north on La Salle street to Erie street; thence west on Erie street to Roberts street; thence with a single track, until the street shall be widened to the usual width, on Roberts street (or that street now opened and

used by the public as Roberts street) to Larrabee street; thence north on Larrabee street with a single track to Hawthorne street; thence northwesterly on Hawthorne street to Halsted street; thence north on Halsted street to the northern limits of the city of Chicago; also, on Halsted street from the center of the north branch of the Chicago river north to Hawthorne street: that portion of said road lying between Madison street and the northern limits of the city of Chicago being designated as the first section of said road; and, whereas, among other advantages to be derived from the operation of said railroad, it is desirable to secure to the people of the city of Chicago facilities and convenience for transportation, and at reasonable rates, to and from the several cemeteries or burial grounds lying north of the city; therefore,

Be it ordained by the Common Council of the city of Chicago:

8. PERMISSION TO LAY TRACKS—STREETS NAMED—CONDITIONS.]

SECTION 1. That permission is given to said Chicago and Evanston Railroad Company to lay a single or double track railway, except on Larrabee street from Chicago avenue to Hawthorne street, and on Roberts street until widened, as hereinafter mentioned, where there is to be a single track only, with all the necessary and convenient switches, side tracks and turnouts, in and along the course of the following streets in the city of Chicago, to wit: Commencing at the intersection of Madison street and La Salle street, and running thence north on La Salle street to Erie street; thence west on Erie street to Roberts street; thence north on Roberts street (or that street now opened and used by the public as Roberts street) to Larrabee street, with a single track until said Roberts street is widened to the width of Larrabee street; thence north on Larrabee street with a single track to Hawthorne street; thence northwesterly on Hawthorne street to Halsted street; thence north on Halsted street to the northern limits of the city of Chicago; also, on Halsted street from the center of the north branch of Chicago river north to Hawthorne street, and to keep and maintain, use and operate therein railway cars and carriages, in the manner and upon the conditions set forth and required by the various ordinances passed and now in force in relation to the Chicago City Railway Company and the Chicago West Division Railway Company, except as the same are herein modified.

9. REPAIR OF STREETS—CARS—RATES OF FARE—FUNERALS.] SEC. 2.

The said railway company, its successors or assigns, as respects grading, paving, macadamizing, filling or planking, shall, at their own expense, keep eight feet in width where a single track is used, and sixteen feet in width where a double track is used, of said streets or parts thereof, so occupied, in good repair, so that wagons, carriages and other vehicles can pass and repass at any and all points and in any and all directions; and when any new improvement, paving, repaving, planking or replanking, is ordered by the common council in any of said streets or parts of streets, the said railway company shall, in the same manner and with like material as required of the owners of property as to other parts of the street, make such new improvements on eight feet in width where a single track is used, or sixteen feet in width where a double track is used; and if the said company shall refuse or neg-

lect to make such new improvement within a reasonable time, to be fixed by the ordinance, the work may be done by the city, and the costs thereof assessed by the board of public works on said company, and collected as other assessments from any real or personal property of said company. But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city as in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repair required by any ordinance heretofore passed, after twenty days notice from the board of public works, the city may make the repairs and collect the cost thereof by suit at law in any court of competent jurisdiction. The cars and carriages used on this road shall not be inferior to the best street railway cars or carriages now in ordinary use in said city; the rate of fare for any distance over said road within the city limits shall not exceed five cents, and the fare shall not exceed twenty-five cents for a round trip to each person attending funerals at Calvary, Graceland, Rose Hill or other cemeteries on the route, and shall not exceed forty cents for each adult person and twenty cents for each child under fifteen years of age for a round trip to and from either of said cemeteries on any and all other occasions, except when cars and carriages are chartered for a specific purpose for a number of persons less than a car load. And the said company, its successors or assigns, shall at all times keep on hand, ready for use, a sufficient number of cars expressly adapted, by compartments or otherwise, to the conveying or removal of the remains of deceased persons separate and apart from ordinary passengers and persons attending funerals, and shall not charge over the sum of two dollars for any one deceased person so carried from any point on the line of said railway in the city of Chicago to Graceland, Rose Hill, Calvary, or either of the cemeteries on its route to Evanston; and whenever said company, its successors or assigns, shall be called upon and required to furnish cars for funeral purposes, such funeral train or car shall have priority over all other business on said railway.

10. OFFICE TO BE MAINTAINED.] SEC. 3. Said company shall have an office in or near the business center of the city, which shall be kept open every day from seven o'clock a. m. to seven o'clock p. m., where application can be made for the use of cars for funeral purposes; and shall, when such application shall have been made, furnish at the nearest convenient point on the line of said railway, to any house or other place in this city where the corpse of any person or persons may be awaiting burial, as many cars for such purpose as the party making such application may desire, but shall not be bound thereby to furnish more than three cars, unless a larger number shall be agreed upon with such party, and shall proceed thence from said point to such cemetery on the line of said railway, as the relatives or friends of such deceased person or persons may direct; and when application as aforesaid shall be made at any time during the forenoon of any day, cars shall be furnished as early as three o'clock and thirty minutes in the afternoon of the same day, and when application shall be made in the afternoon o

any day, cars shall be furnished as aforesaid in the forenoon of the following day.

11. MAY BUILD BRIDGE AT LA SALLE STREET—PROVISO.] SEC. 4. That said company is hereby authorized to construct a bridge to cross the Chicago river at La Salle street, on the same general plan as the bridges at Clark and Wells street, but the particular plans and specifications shall be furnished by the board of public works, and said bridge shall be constructed in accordance therewith, and under the direction of said board. Said bridge, when constructed, shall be subject at all times to the city regulations and management for the benefit of the public, the city to pay one-half the cost of said bridge: *Provided*, the whole cost of constructing said bridge and approaches does not exceed twenty-two thousand dollars: *And provided, further*, that if it shall be ordered by the common council that said bridge shall be constructed as that proposed for the bridge at State street, then, and in that event, the city shall pay the same as it pays for State street bridge.

12. WHEN LINE TO BE BUILT—FORFEITURE—PROVISO.] SEC. 5. The first section of said road shall be completed within fifteen months from the passage of this ordinance, and the balance of the track, from the south terminus of said road to Calvary cemetery and Evanston, shall be completed within two years from the passage of this ordinance. If this company, its successors or assigns, shall fail to have its road constructed and in operation between Madison street, in the city of Chicago, and the village of Evanston, within two years from and after the passage of this ordinance, the common council of this city shall have the right to annul and declare void this ordinance, and order the superstructure and rails of said company, its successors or assigns, which may have been laid within the city limits, taken up and removed from the streets of the city; and if at any time or for any cause, the rights, privileges or easements of said company, its successors or assigns, shall become forfeited, and the common council order their superstructure and rails removed from the street, they shall, without delay, and at their own cost and expense, remove the same, and put each and every street or part of street on which their railway track or tracks may have been laid at any time, in as good repair as the same was immediately preceding the time when said tracks were first laid: *Provided*, that if said company is delayed by order or injunction of any court, the time equal to such delay shall be added to the time specified above, and the forfeiture for not laying down track between the points above specified shall not be made until the company shall have had two full years to build its road, exclusive of the time it may be detained by order or injunction of any court: *And provided, further*, that if the common council shall deem that there is any unreasonable delay on the part of said company in raising such injunction, they may direct the city attorney to take the management of such suit or suits, so far as to bring the same to a speedy decision.

13. IN FORCE WHEN.] SEC. 6. This ordinance shall take effect and be in force from and after its passage.

Stipulation in reference to foregoing ordinance.

WHEREAS: The common council of the city of Chicago did, on the 17th day of August, A. D. 1864, pass an ordinance entitled "An ordinance concerning the maintenance and opera-

tion of the Chicago and Evanston Railroad, in the limits of the city of Chicago; and, where~~as~~, the mayor of said city has not yet approved the said ordinance, and hesitates and refuses to approve the same on account of certain doubts which the said mayor has in relation to the proper construction of the said ordinance, and on account of certain objections thereto; now, for the purpose of removing the said doubts and objections, and in consideration of the approval by the mayor of the said ordinance, it is hereby

Resolved, That it was the intention, and is the proper construction of said ordinance, that "The Chicago and Evanston Railroad Company" should operate the cars and carriages used upon their railway tracks within the limits of said city of Chicago, with animal power only, and that the said railway should not connect with any other railroad on which any other power is used; and as to the gauge and kind of rail to be used on the tracks of the said company, they are to be governed in all respects by an ordinance entitled "An ordinance prescribing the gauge and rail to be used on horse railways in the city of Chicago," passed by the common council of said city, August 11th, 1864.*

Resolved, That it was not the intention, and is not the proper construction of section four of said ordinance, that the said company shall have the power to contract for the bridge therein mentioned, but the intention and proper construction of said section is, that the work upon the said bridge, and the building of the same, should be let, by contract, by the board of public works of said city as provided in and by the charter of said city; and it is further expressly agreed, that when the said company are desirous of having the said bridge constructed, they shall, as a condition precedent to the undertaking of the said work by the said city, or the letting of the contract for the same, deposit with the board of public works of said city a sum of money equal to half the estimated cost and expense of said work, or shall secure the payment of the said money by security satisfactory to the city comptroller and board of public works of said city.

Resolved, That the said ordinance, subject to the aforesaid construction of the same, and the aforesaid agreement as to the said bridge, is hereby accepted, and that a properly certified copy of these resolutions be delivered to the city of Chicago.

OFFICE OF THE CHICAGO AND EVANSTON RAILROAD COMPANY,

Chicago, Ill.

I do hereby certify, that the above and foregoing is a true copy of original preamble and resolution, this day passed and adopted by the board of directors of the Chicago and Evanston Railroad Company, and duly entered upon the records of said corporation.

In witness whereof, I have hereunto set my hand and affixed the seal of said company, this 25th day of August, A. D. 1864.

[SEAL.]

J. F. WILLARD, *Secretary*.

An act concerning horse railways in the city of Chicago.

[Passed (over veto) February 6, 1865.]

* * * * *

14. ORDINANCE CONCERNING, CONFIRMED.] SEC. 3. An ordinance of the common council of the city of Chicago, entitled "An ordinance concerning the maintenance and operation of the Chicago and Evanston Railroad in the limits of the city of Chicago," as passed on the 17th day of August, A. D. 1864, is hereby confirmed, and shall be deemed and held to confer on the Chicago and Evanston Railroad Company power and authority to construct and operate their road in the streets and over the bridge mentioned therein, until the same is altered, changed or amended by the common council, with the consent of said company. And such ordinance may, from time to time, be changed, altered or amended, and such other provisions be made as, to the common council, may seem proper, and be agreed to by said company. The prohibition as to the use of certain streets, in the second section of the

* Part I, chap. 10, "Horse Railroads," sec. 2, page 55.

of The Chicago and Evanston Railroad Company, is hereby re-en-
d shall remain in force until altered, released or amended by the
council of the city of Chicago and said company.

CHAPTER 11.

HOUSE OF CORRECTION.

	SECTION.
roller and mayor authorized to pur-	11. Proceeds appropriated.
se ground for.	12. Construction of workshops and wall author-
or building to be obtained.	ized.
f bonds authorized.	13. Bids to be received.
riation of proceeds.	14. Channel to be completed.
roller authorized to purchase other	15. Contract for gas works authorized.
nd.	16. Authority to contract with Cook county to re-
als to build, authorized.	ceive prisoners.
f bonds authorized.	17. Concurrent resolution of the board of commis-
riation of proceeds.	sioners of Cook county.
al to be dredged and docked.	18. Contract of city of Chicago to receive certain
ation of bonds authorized.	prisoners.

nance to purchase lands for a house of correction, to provide for the
on of proper buildings thereon, and to issue bonds for the payment
f.

[Passed March 12, 1866.]

laind by the Common Council of the city of Chicago:

UTHORITY TO PURCHASE GROUND FOR.] SECTION 1. That the
nd comptroller of said city be, and they are hereby, authorized and
ed to purchase the following described premises for the purposes of a
f correction, to-wit: Block or lot four (4) of the Canal Trustees
on of the east half of section thirty-one (31), township thirty-nine
th of range fourteen (14) east of the 3d p. m., being in city of
, county of Cook and state of Illinois, for a sum not exceeding twelve
l two hundred and fifty dollars: *Provided*, that on an examination
btracts and titles thereto, the said officers of said city shall report
erfect legal title can be given by the owner or owners thereof.

LANDS TO BE PREPARED.] SEC. 2. That in case the title to said
is found perfect, that the mayor be, and is hereby, authorized
int a special committee of three members of this council, who,
mayor, in conjunction with the board of public works, be, and they
by, authorized to prepare plans and specifications, or to receive and
ans and specifications for the erection of a suitable building or build-
the said premises, for a house of correction, and to order or make
er improvements in the way of fences, etc., as may be necessary for
essful use and occupation of said premises for the aforesaid purpose.

3. ISSUE OF BONDS AUTHORIZED.] SEC. 3. That by virtue of the power conferred on the common council by section thirty-seven of chapter five of the revised charter of 1863, the comptroller be, and he is hereby, authorized to issue and negotiate the bonds of said city, payable, principal and interest, in the city of New York, in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding one hundred thousand dollars, for the purpose of paying for the purchase of the aforesaid premises and the erection of buildings and improvements thereon for a house of correction.

4. APPROPRIATION OF PROCEEDS.] SEC. 4. That the money so raised be kept separate and distinct from all other funds, by the comptroller, and that the same shall not be devoted to or used for any other purpose whatever than that contemplated by the ordinance.

An ordinance authorizing the city comptroller to purchase grounds for a bridewell, and to issue bonds for the payment of the same.

[Passed March 2, 1868.]

Be it ordained by the Common Council of the city of Chicago :

5. COMPTROLLER AUTHORIZED TO PURCHASE GROUND.] SECTION 1. That the city comptroller be, and he is hereby, authorized and empowered to purchase for the erection of a city bridewell or house of correction fifty (50) acres of that tract or premises offered to the city by S. J. Walker Esq., and generally described as being in section twenty-five, township 36 N. R. 13 E., and being between Twenty-sixth street and the west branch of the south branch of the Chicago river: *Provided, however,* that he obtain said premises at a price not exceeding five hundred dollars per acre. *And also provided,* a good and indisputable title to the same can be given. *And provided also,* that the owner or owners of said premises will take the lot or tracts of land heretofore purchased for a bridewell in exchange therefor at a price not less than twelve thousand five hundred dollars: *And provided also,* that such owner or owners will take the bonds of the city at par and running not less than eighteen years, and at a rate of interest not exceeding seven per cent. per annum.

Ordinance authorizing the construction of a city bridewell and the issue of bonds therefor.

[Passed September 21, 1868.]

Be it ordained by the Common Council of the city of Chicago :

6. PROPOSALS TO BUILD, AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized to advertise for proposals for the construction of a city bridewell (not including the workshops) according to plans submitted in connection with the report of the board of September 21, 1868, and to contract for the erection of the same on the grounds purchased by the city for that purpose.

7. ISSUE OF BONDS AUTHORIZED.] SEC. 2. That by virtue of the power conferred on the common council by articles enumerated "eighteenth" and "nineteenth" of section one of chapter five of an act of the general assembly

usually, and for an amount not exceeding one hundred and fifty thousand dollars (\$150,000).

PROCEEDS APPROPRIATED.] SEC. 3. That the proceeds of said bonds be appropriated for the payment of the costs and expenses of the work of said city bridewell as authorized by the first section of this ordinance.

Finance authorizing the board of public works to dredge a channel and to construct sundry work in connection with the city bridewell.

[Passed February 15, 1869.]

Ordained by the Common Council of the city of Chicago:

DREDGING AND DOCKING CHANNEL.] SECTION 1. That the board of public works are hereby authorized to dredge a channel, to be thirty (30) feet wide at the bottom, with a depth of water of six (6) feet below standard low water, connecting the grounds of the city bridewell with that part of the west branch of the south branch of Chicago river, having a similar depth of water, and to construct a dock to be used in connection with the buildings of said city bridewell, to fence, grade, lay out and make streets in and drain the grounds of said dock, and to do such other work as may be necessary to carry out the provisions of the ordinance of September 21, 1868. All of said work to be done according to the provisions of the city charter, and the expense to be paid from the funds already appropriated, or which may hereafter be appropriated for the completion of said city bridewell.

Finance authorizing the issue of one hundred and thirty-five city bridewell bonds.

[Passed June 6, 1870,]

Ordained by the Common Council of the city of Chicago:

NEGOTIATION OF BONDS AUTHORIZED.] SECTION 1. That by virtue of the power conferred on the common council by articles enumerated in the "eighth" and "nineteenth" of section one, of chapter five of an act of the general assembly of the state of Illinois, approved March 9th, 1867, and in the "An act supplementary to 'an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act and to amend the same'" approved Feb. 13, 1863, and the several amendments there-

11. PROCEEDS APPROPRIATED.] SEC. 2. The proceeds of the bonds authorized by the foregoing section are hereby appropriated to the payment of the cost of completing the new city bridewell according to a report relative to the same of the board of public works, dated May 30, 1870.

Order concerning the construction of shops, etc.

[Passed October 17, 1870.]

12. CONSTRUCTION OF SHOPS AND WALL AUTHORIZED.] ORDERED: That the board of public works be, and they are hereby, authorized and directed to advertise for the construction of three two-story shops, fifty feet wide by one hundred and fifty feet long; also, an engine and boiler building, fifty by one hundred feet, and a barn fifty by fifty feet, all to be two stories high, and also for the construction of a wall of proper dimensions, including the north corner as shown by the accompanying diagram, and are to let the same to the lowest responsible bidder or bidders. The buildings and wall hereby ordered be erected to be constructed of brick, with stone foundations, the buildings to be located upon the south and west sides of the south court shown upon said diagram: *Provided*, the contract price for said shops shall not exceed five thousand five hundred dollars (\$5,500) each. The contract price for the engine house and boiler building shall not exceed two thousand dollars (\$2,000) and the contract price for the barn shall not exceed fifteen hundred dollars (\$1,500).

13. BIDS TO BE ADVERTISED FOR.] ORDERED: That the board of public works be and they are hereby authorized and directed to advertise for and contract with the lowest bidder for the sinking of an artesian well at the new bridewell. It is further

14. CHANNEL TO BE COMPLETED.] ORDERED: That the board of public works be and they are hereby authorized and directed to take immediate steps to complete the dredging of that branch of the Chicago river leading to the new bridewell, and to immediately notify the Pittsburgh, Cincinnati and St. Louis Railroad Company to construct a swing bridge at the crossing of their road over said river, also, to construct a suitable dock at the landing near the bridewell.

Gas for the house of correction.

[Passed May 15, 1871.]

15. CONTRACT FOR GAS WORKS AUTHORIZED.] ORDERED: That the mayor, comptroller and board of public works are hereby authorized and directed to contract with the people's gas light and coke company for the erection of coal gas works at the new city bridewell as per conditions of proposals made by A. M. Billings, president of said company, dated May 1871, and hereto annexed.

Office of People's Gas and Coke Co.
Chicago, May 9, 1871

To the Committee on City Bridewell, Gas, etc.

Gentlemen:

This company will erect and build at the new city bridewell a good and sufficient gas works, of ample capacity to furnish the bridewell with gas for all the lights it may require to the satisfaction of the city authorities for the sum of six thousand five hundred (\$6,500) dollars, said works to be put in operation as soon as best skilled labor can erect the same.

Respectfully submitted,

A. M. BILLINGS, Pres.

Resolution authorizing contract for reception of certain offenders.

[Passed July 8, 1872.]

16. AUTHORITY TO CONTRACT WITH COUNTY.] *Resolved*, By the common council of the city of Chicago, that the mayor and city comptroller be, and they are hereby, authorized to enter into an agreement with the board of county commissioners of Cook county, to receive and keep in the house of correction of the city of Chicago, any persons or person who may be sentenced or committed thereto by any court (other than the police courts of said city), or magistrate of said Cook county, for any term not less than thirty days, said agreement to cover a term of not exceeding two years, and the compensation to be received for so receiving and keeping any such person to be not less than forty cents per day for each and every such person.

Resolution of board of commissioners of Cook county.

[Passed July 10, 1872.]

17. AUTHORITY OF COOK COUNTY TO CONTRACT.] *Resolved*, That the president of this board be and he is hereby authorized for and on the part of the county of Cook to execute an agreement with the city of Chicago for the keeping of persons that may be sentenced to the house of correction of the city of Chicago for any term not less than thirty days, by any court other than the police courts of the city of Chicago or magistrates in said county. Such agreement to continue for two years, and the compensation to be paid for keeping such persons not to exceed forty cents per day for each person.

Contract of city of Chicago and Cook county.

[Executed July 10, 1872.]

18. CONTRACT OF CITY TO RECEIVE CERTAIN PRISONERS.] This agreement made and entered into this 10th day of July A. D. 1872, between the city of Chicago of the first part and the county of Cook of the second part, Witnesseth: That for and in consideration of the payment, hereinafter set forth, to be made, the said city of Chicago hereby agrees to receive and keep in the house of correction of the city of Chicago all persons who may be sentenced or committed to such house of correction by any court other than the police courts of said city or a magistrate in said county for any term not less than thirty days. And it is hereby agreed by and on the part of said county to pay to the said city of Chicago the sum of forty cents per day for each person so kept in said house of correction. And it is mutually agreed that this agreement shall remain in force for the period of two years from the date hereof. In witness whereof the parties hereto have caused these presents to be signed for and on the part of the city by the mayor and comptroller and on the part of the county by the president of the board of county commissioners the day and year first above written.

JOSEPH MEDILL,
Mayor.

A. H. BURLEY,
Comptroller.

JULIUS WHITE,
President Board of County Commissioners.

CHAPTER 13.

LAKE VIEW AVENUE.

SECTION.

1. Object of corporation—Its officers, stock and name.
2. Act increasing powers—Preamble.
3. Additional powers granted as to realty, by-laws and investment.
4. Common council to regulate tolls.
5. Act public.
6. Preamble of ordinance.
7. Right of way granted.
8. Conditions of grant — Improvement of grounds.

SECTION.

9. Only one toll-gate in city.
10. Board of public works to approve road.
11. Not to obstruct streets.
12. To keep road in repair—City's right of re-entry.
13. Duration of franchise.
14. Tolls limited.
15. When ordinance in force.
16. Preamble of repealing ordinance.
17. Right of way repealed.
18. When ordinance in force.

Certificate of incorporation.

[Executed December 30. 1864.]

1. OBJECT OF CORPORATION — DIRECTORS AND OFFICERS — STOCK — NAME.] The undersigned, in pursuance of the provisions of an act of the general assembly of the state of Illinois, entitled "An act to provide for constructing, maintaining and keeping in repair, plank, gravel or macadamized roads or pikes, by a general law," approved February 21. 1859, hereby certify and declare their intention to construct, maintain and keep in repair a gravel or macadamized road, commencing at some convenient point on the shore of Lake Michigan, within the limits of the north division of the city of Chicago, county of Cook and state of Illinois, and running along the said shore, as near to the water as practicable and convenient, to the north line of the township of Lake View in said county of Cook; and we hereby further certify and declare, that for this purpose we have elected Uranus H. Crosby, William C. Goudy, Timothy S. Fitch, and Samuel H. Kerfoot, as directors in the corporation hereby created, to hold their office for the term of one year, or until such time as may hereafter be determined, according to the rules and by-laws of the said corporation, and until their successors are elected and enter upon their duties, and that we have elected the said Crosby to be the president of said corporation, and William B. Howard as secretary of the same.

We do further certify and declare, that the capital stock of said corporation shall be one hundred and fifty thousand dollars until increased under the provisions of said act, or otherwise, which shall be divided into shares of one hundred dollars each; and we do assume and certify the corporate name of ourselves and associates who may hereafter become holders of the capital stock aforesaid, to be "The Lake View Avenue Company."

In testimony whereof, we have hereunto subscribed our names this 30th day of December, A. D. 1864.

U. H. CROSBY.
W. C. GOUDY.
T. S. FITCH.
WM. B. HOWARD.
SAM'L H. KERFOOT.

I hereby certify the foregoing to be a correct copy of a certificate of organization filed in my office the 16th day of January, A. D. 1865.

Witness my hand and official seal this 17th day of January, A. D. 1865

[SEAL.]

LAURIN P. HILLIARD,
Clerk of Cook County Court, Illinois.

An act to amend the charter of "The Lake View Avenue Company."

[Approved February 16, 1865.]

2. PREAMBLE RECITING ORGANIZATION.] WHEREAS: "The Lake View Avenue Company" has been organized under and according to the provisions of an act entitled "An act to provide for constructing, maintaining and keeping in repair, plank, gravel or macadamized roads or pikes, by a general law," approved February 21st, 1859, for the purpose of constructing, maintaining and keeping in repair a gravel or macadamized road in the county of Cook; therefore,

3. ADDITIONAL POWERS AS TO REALTY, BY-LAWS AND INVESTMENTS.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, that said corporation, in addition to its powers under said general law, be and is hereby authorized to take and hold by purchase, gift, grant or devise, real estate, not exceeding at any one time in value the sum of one hundred and fifty thousand dollars (\$150,000), and to sell and convey the same, and to make and establish such by-laws and regulations in regard to the duties of its officers and agents, the use of its road and property, and the investments of its profits and funds, as are not inconsistent with the constitution of the state of Illinois or of the United States.

4. COMMON COUNCIL TO FIX TOLLS AND RESTRAIN BY PENALTIES.] SEC. 2. The common council of the city of Chicago may fix and determine, by contract with said company, the rates of toll to be received by said corporation within the limits of said city, but the rates either within or without the said limits shall not exceed the following, to wit: For each horse, one cent and a half per mile; for each vehicle drawn by one horse, the same rate; and for each vehicle drawn by two or more horses, two and a half cents per mile. And the common council of said city may provide by ordinance against the charge and receipt of greater rates within said city, and enforce the same by adequate penalties against said corporation, its officers or agents.

5. ACT PUBLIC.] SEC. 3. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

An ordinance concerning the right of way of the Lake View Avenue Company.

[Passed October 5, 1865.]

6. PREAMBLE.] WHEREAS: The Lake View Avenue Company, by virtue of a general act of the legislature, approved February 21, 1859, and also a special act, approved February 16, 1865, have acquired a right to condemn for roadway purposes, for a period of thirty years, commencing December 30, 1864, a strip of land one hundred feet in width, along the shore of Lake Michigan, in the north division of the city of Chicago, and the town of Lake View; and, whereas, it is considered necessary, in order to make such roadway available, that said roadway should be increased fifty feet in width; and, whereas, said roadway, as now located, passes over lands owned by the city of Chicago; therefore,

Be it ordained by the Common Council of the city of Chicago:

7. RIGHT OF WAY GRANTED.] SECTION 1. That the right of way be, and is hereby, granted to the Lake View Avenue Company over the property of the city of Chicago, one hundred and fifty feet wide, next and adjacent to the present high water mark of Lake Michigan, commencing at the south line of the grounds now used as the Chicago city cemetery, North avenue, and running thence along the shore of Lake Michigan to Asylum place, and commencing again at Fullerton avenue, and running thence along said shore to the north line of the southeast quarter of section twenty-eight (28) in township forty (40) north of range fourteen (14) east of the third principal meridian.

8. CONDITIONS OF GRANT.] SEC. 2. The foregoing grant is made upon the express conditions named in this and the following sections: That the said Lake View Avenue Company shall, on or before the first day of August, A. D. 1866, make and complete, in good order, a road across said property at least fifty feet wide, and shall finish and improve the ground for the full width hereby granted within one year thereafter.

9. ONLY ONE TOLL-GATE WITHIN CITY.] SEC. 3. Said Lake View Avenue Company shall not erect any toll-gate south of Schiller street, or the street now known and designated by that name, nor shall said company erect or maintain more than one toll-gate within the corporate limits of the city of Chicago.

10. BOARD OF PUBLIC WORKS TO APPROVE ROAD.] SEC. 4. That all improvements of said roadway or avenue, which are made on grounds not actually used as a road bed or passage way for carriages, etc., which are made between North avenue and Asylum place, shall be first approved by the board of public works, or such board or person or persons as shall, by virtue of any law or ordinance now or hereafter in force, have charge of the Chicago city cemetery and Lincoln Park.

11. NOT TO OBSTRUCT CROSS STREETS.] SEC. 5. Said road shall be so constructed as not to interfere with the passage on, to or across such road or avenue from any street or streets which now are or may hereafter be laid out and opened to the water line of said Lake Michigan, or the line of said avenue.

12. ROAD IN REPAIR—RIGHT OF RE-ENTRY.] SEC. 6. That said company shall keep said road or avenue in good repair and condition at their own expense, and if at any time said road or avenue shall be abandoned by said company, or suffered to become so out of repair as not to be safe for the passage of teams or carriages over and upon it, the said city shall have the right to enter upon said road, or so much thereof as may be in the city of Chicago, and declare the same a public highway, the same as other streets and avenues in said city.

13. TERM OF FRANCHISE.] SEC. 7. That at the end of thirty years from the thirtieth (30th) day of December, A. D. 1864, so much of said road or avenue as shall then be in the corporate limits of the city of Chicago shall become a public street or avenue, and all toll-gates shall be removed therefrom.

14. TOLLS LIMITED.] SEC. 8. Said company shall have the right to charge tolls at the rate named in their amended charter, approved February 16, 1865, and no more.

15. WHEN IN FORCE.] SEC. 9. This ordinance shall be in force from and after its passage and due publication.

Ordinance repealing an ordinance concerning the right of way of the Lake View Avenue Company.

[Passed January 28, 1867.]

16. PREAMBLE.] WHEREAS: On the 5th day of October, 1865, an ordinance was passed by the common council of the city of Chicago, granting "The Lake View Avenue Company" the right of way one hundred and fifty feet wide next and adjacent to the present high water mark of Lake Michigan, commencing at the south line of the grounds used and known as the Chicago city cemetery, on North avenue, and running thence along the shore of Lake Michigan to Asylum place, and commencing at Fullerton avenue and running along said shore to the north line of the S. E. $\frac{1}{4}$, Sec. 28, T. 40, N. R. 14. E. of the 3d p. m., upon certain conditions named in said ordinance; that one of the conditions of said ordinance was that the said Lake View Avenue Company should on or before the first day of August, 1866, make and complete in good order a road across said property at least fifty feet wide, and,

WHEREAS: Said Lake View Avenue Company has failed and neglected to comply with the provisions aforesaid, and has also failed and neglected to comply with the other provisions of the said ordinance; therefore,

Be it ordained by the Common Council of the city of Chicago:

17. REPEALS RIGHT OF WAY.] SECTION 1. That the said ordinance entitled "An ordinance concerning the right of way of the Lake View Avenue Company," passed October 5, 1865, be and the same is hereby repealed.

18. WHEN IN FORCE.] SEC. 2. This ordinance shall take effect and be in force from and after due publication thereof.

CHAPTER 14.

LIFE BOAT.

SECTION.

1. Preamble.

SECTION.

2. House to be built for.

A resolution in relation to the lifeboat.

[Passed September 16, 1872.]

1. PREAMBLE.] WHEREAS: The government of the United States gave to the city of Chicago a lifeboat, and.

WHEREAS: Said lifeboat should be kept on the lake shore, or as near there as possible, so that it may be used in cases of emergency; therefore be it

2. BOAT-HOUSE TO BE BUILT.] *Resolved*, That the board of public works be, and they are hereby, authorized and instructed to immediately cause a suitable house to be built on the lake shore, or as near there as practicable, and said lifeboat removed from its present location (Bridgeport) to the said house, and equipped in the required manner, so as to be in readiness for any emergency.

CHAPTER 15.

MILLIMAN TRACK.

SECTION.

1. Preamble reciting right of property in heirs.
2. Authority to purchase burial lot.
3. To exchange lots or refund purchase money.
4. A committee to co-operate.
5. Superintendent may be employed.
6. Expenses of removal of bodies, how paid.
7. Committee of lot-owners provided for.
8. Police to aid removals.

SECTION.

9. Temporary loan authorized.
10. When ordinance in force.
11. Preamble of order.
12. Giving authority to purchase lots.
13. Temporary loan authorized.
14. Purchase money of lots may be refunded.
15. Authority given to exchange lots.

An ordinance concerning the removal of the dead from the Milliman tract of the old city cemetery.

[Passed January 22, 1866.]

1. PREAMBLE—TITLE DECLARED IN HEIRS.] WHEREAS: The title to

out-lots forty-eight (48) and forty-nine (49) in the Canal trustees' subdivision of section thirty-three, township forty, north range fourteen east of the third principal meridian, in the city of Chicago, county of Cook and state of Illinois, and heretofore a part of the old city cemetery, has been declared to be in the heirs of Jacob Milliman, deceased, and, whereas, a re-purchase of said tract cannot be made at any reasonable rates; and,

WHEREAS: It has become necessary to remove the bodies which are interred in said tracts; and, whereas, this is a contingency happening since the passage of the annual appropriation bill, and which makes it necessary to borrow money to meet said contingency as provided in the revised charter of 1863; therefore,

Be it ordained by the Common Council of the city of Chicago:

2. AUTHORITY TO PURCHASE BURIAL LOTS.] SECTION 1. That the mayor and comptroller be, and they are hereby, authorized and empowered to purchase lots in the different cemeteries as may be agreeable to the several lot-owners in the said Milliman tracts, and of as nearly equal value and eligibility as may be, and procure the deeds therefor and deliver the same to the said several lot-owners respectively, in exchange for the deeds held by them to lots in the said Milliman tracts.

3. EXCHANGE OF DEEDS OR RE-PURCHASE.] SEC. 2. That in cases where parties hold deeds to lots in said tracts where no interments have been made, that said mayor and comptroller be authorized to purchase lots and exchange deeds in the same manner as provided in the preceding section or refund the purchase money, as may be desired by the said parties.

4. COMMITTEE TO CO-OPERATE.] SEC. 3. That a committee consisting of three aldermen, one from each division, be appointed by the mayor to act in conjunction with the mayor and comptroller, to make the necessary arrangements and provide the necessary labor and vehicles for the removal of the dead.

5. SUPERINTENDENT TO BE EMPLOYED.] SEC. 4. That said committee, with the mayor and comptroller, be, and they are hereby, authorized to employ a competent superintendent, at a salary not exceeding one hundred and twenty-five dollars per month, who shall supervise the whole matter under the direction of the mayor, comptroller and said committee.

6. EXPENSE OF REMOVAL OF BODIES.] SEC. 5. That the mayor, comptroller and committee be, and they are hereby, instructed to make arrangements with as many of the lot-owners in said Milliman tract as possible, to pay the expenses of the removal of the dead.

7. COMMITTEE OF LOT-OWNERS.] SEC. 6. That the mayor, comptroller and committee be instructed, if they deem it expedient, to invite the lot-owners to appoint a committee of their number to act in conjunction with them in the removal of the deceased.

8. POLICE TO AID REMOVALS.] SEC. 7. That the board of police be instructed, if occasion should seem to demand it, to detail a sufficient police force to protect the parties engaged in making said removals, and to remove from the grounds any persons assembling there from mere idle curiosity, and generally to preserve order and decorum.

9. TEMPORARY LOAN AUTHORIZED.] SEC. 8. That the mayor and comptroller be, and they are hereby, authorized to borrow such sum or sums of money, from time to time, as may be necessary to carry out the provisions of this ordinance, the same to be provided for in the next annual appropriation bill.

10. WHEN IN FORCE.] SEC. 9. This ordinance to be in full force and effect from and after its passage.

An order authorizing the purchase of burial lots.

[Passed October 4, 1866.]

11. PREAMBLE.] WHEREAS: There are a large number of lot-owners in the so-called Milliman tract in the city cemetery who have neglected to come forward and quit claim thereto and receive deeds for lots in other cemeteries, as contemplated by the order of this council, made January 22, 1866, and,

WHEREAS: There are in said tract some four or five hundred bodies that no claim has been made to by any relative or friends, and,

WHEREAS: The owners of said tract are desirous that the same shall be vacated as soon as possible, and,

WHEREAS: It will devolve upon the city to provide a proper place for the reinterment of such bodies as remain unclaimed; therefore be it,

12. AUTHORITY TO PURCHASE LOTS.] ORDERED: That the mayor, comptroller and the special committee appointed under order passed by this council January 22, 1866, be, and they are hereby, authorized and empowered to purchase such lots, pieces or tracts of land in Oakwood cemetery as may be ample and proper for the purpose aforesaid, and not exceeding twenty-seven thousand square feet, and that the comptroller be, and he is hereby, authorized to pay for the same out of the appropriation made or hereafter to be made, for clearing the Milliman tract.

An ordinance authorizing the borrowing of eleven thousand dollars to complete the removal of the dead bodies in the Milliman tract of the old city cemetery.

[Passed November 19, 1866.]

Be it ordained by the Common Council of the city of Chicago:

13. TEMPORARY LOAN AUTHORIZED.] SECTION 1. That the mayor and comptroller be, and they are hereby, authorized and empowered to borrow the sum of eleven thousand dollars for the purpose of defraying the necessary expenses of removing the dead bodies from the Milliman tract, in the old cemetery, and to provide for the payment of lots in other cemeteries for interring such dead, the same to be provided for in the next annual appropriation bill.

An ordinance for extinguishing the titles of lot-owners in the Chicago cemetery.

[Passed June 10, 1867.]

Be it ordained by the Common Council of the city of Chicago:

14. REFUNDING PURCHASE MONEY.] SECTION 1. That the mayor and

comptroller be, and they are hereby, authorized to extinguish the titles of the different lot-owners in the Chicago cemetery, by refunding the purchase money paid to the city of Chicago, together with six per cent. interest thereon, to the purchasers severally, or their heirs or assigns, upon such purchasers, their heirs or assigns, re-conveying the title thereto to said city.

15. AUTHORITY TO EXCHANGE LOTS.] SEC. 2. In case any lot-owner should prefer or elect, the mayor and comptroller may cause lots to be purchased in any of the several cemeteries near said city of an equal number of square feet, and of as nearly equal eligibility as may be, and cause conveyance thereof to be made to them, upon said lot-owners conveying, by good and sufficient deed, their title to lots in said Chicago cemetery to the city.

CHAPTER 16.

PARKS.

SECTION.

1. Burials prohibited, where.
2. Land set over for a park.
3. When ordinance in force.
4. Preamble and resolution.
5. Lincoln Park named.

SECTION.

6. Deed of land to West Park commissioners authorized—Terms of transfer.
7. Authority to exchange Ira Judd tract.
8. When property received to be used for park.

An ordinance in regard to the Chicago cemetery and to establish a public park in the north division.

[Passed October 24, 1864.]

Be it ordained by the Common Council of the city of Chicago :

1. BURIAL PROHIBITED WHERE.] SECTION 1. That hereafter no body shall be buried in the Chicago cemetery except in the lots which have been sold by the city.

2. LAND SET OVER FOR A PARK.] SEC. 2. All of the north part of the Chicago cemetery which has not been surveyed and divided into cemetery lots, consisting of blocks seventeen, eighteen, thirty-three and thirty-four, and the north part of blocks thirty-five and thirty-six in the subdivision made by the canal trustees of section thirty-three in township forty, north of range fourteen, east of the 3d principal meridian, is hereby set apart for, and declared to be, a public park, and shall be known by the name of Lake Park.

3. WHEN IN FORCE.] SEC. 3. This ordinance shall take effect from and after its passage.

Resolution naming a park.

[Passed June 5, 1865.]

4. PREAMBLE.] WHEREAS : It appears by the records of the city of

CHAPTER 17.

RAILROADS.

CHICAGO AND ALTON RAILROAD.

SECTION.

1. Authority to Chi. St. Charles and Miss. R. R. Co. to construct road under conditions
2. Temporary track authorized under conditions.
3. Speed of locomotives prescribed.
4. Conditions of ordinance as to its having effect.
5. Ordinance changing limit of track.
6. Speed of locomotives limited.
7. Conditional authority to construct bridge south of Twelfth street.
8. Connection of the Chicago and Mississippi and Chicago and Rock Island R. R's. authorized.
9. Upon conditions stated.
10. Joliet and Chicago R. R. may lay tracks—Conditions.
11. Company to execute a contract.
12. City official to superintend work.
13. Company to indemnify city for losses.
14. Other conditions of the franchise.
15. Duty of company as to side tracks and connections.
16. Company to maintain bridges.
17. Part of De Puyster street vacated for railroad purposes.

SECTION.

18. Reversionary interest in the city.
19. Joliet and Chicago R. R. Co. required to improve Archer road.
20. Board of public works to enforce ordinance and supervise work.
21. C., Alton and St. L. R. R. Co. authorized to lay additional tracks.
22. Conditions of the grant.
23. Company to secure city against damages.
24. Company to employ flagmen.
25. General ordinances to qualify the franchise.
26. Reserved right of the city to repeal or modify.
27. Switches, etc., not to be made, where.
28. Company to improve parts of streets.
29. How the franchise will be forfeited.
30. When the ordinance takes effect.
31. Amendment, Chicago, Alton and St. Louis inserted for Joliet and Chicago.
32. Improvement of streets—Proposition of compromise.
33. Compromise accepted.

An ordinance in relation to the Chicago, St. Charles and Mississippi Air-line Railroad.

[Passed April 11, 1853.]

Be it ordained by the Common Council of the city of Chicago:

1. PERMISSION TO LAY TRACKS, WHERE—CONDITIONS.] SECTION 1.
That permission be and is hereby granted to the Chicago, St. Charles and Mississippi Air-line Railroad Company to construct in the west division of said city, one or more railroad tracks upon any land south of Madison street or north of Lake street, which they may procure by purchase or otherwise, and to lay down said track or tracks across any street within the boundaries aforesaid, wherever any such street crosses their intended line of railroad, and also to construct and use all depots necessary to accommodate the business of said company: *Provided*, that convenient crossings be made by said company where the said track crosses the line of streets, and sufficient warning tables be erected in some conspicuous place at or near said crossings; said company to be subject to all laws and ordinances that are now in force or may hereafter be passed to regulate railroads within this city.

2. TEMPORARY TRACK ELSEWHERE, ALLOWED—CONDITIONS.] SEC. 2.

occupying a single railroad track, with the necessary switches, es and turn-outs, for the period of three years: *Provided*, that said will enter into a contract with the city of Chicago to vacate said their railroad track or tracks at the expiration of that time, and street so vacated in good order for ordinary travel, subject to the of the street commissioner and aldermen of the west division: *Pro-* space occupied by said road, except when turn-outs, turn-tables or occur, does not exceed ten feet in width of the centre of said street: *And provided*, said work be so constructed that carriages may g either side of said road, and may conveniently cross the same.

PEED OF LOCOMOTIVES PRESCRIBED.] SEC. 3. Said company may trains by locomotives, within the limits before described herein, at a t exceeding five miles per hour, subject to such ordinances as may e to time be passed by the common council of said city, establishing ating speed and motive power within said city.

NDITIONS OF THE ORDINANCE.] SEC. 4. This ordinance shall not t until said company shall have entered into a bond with the city go, conditioned for the payment of all damages for which the said become liable to any person or persons by reason of the said road said city, or by reason of said company constructing, laying down, occupying said railroad track or tracks within said city, and condi- so for the payment of all damages which may arise to the said city go and to any person or persons whomsoever, by reason of said com- structing, laying down, maintaining, using and occupying said rail- k or tracks within the said city of Chicago.

ance to amend an ordinance in relation to the Chicago, St. Charles and Mississippi Air-line Railroad.

[Passed August 8, 1858.]

Enacted by the Common Council of the city of Chicago:

MISSION TO LAY TRACKS WITHIN LIMITS.] SECTION 1. That n be, and is hereby, granted to the Chicago, St. Charles and Missis- -line Railroad Company to construct, maintain and operate in the sion of said city one or more railroad tracks upon any land south of street or north of Lake street, and also any other railroad track id city west of the west line of sections twenty (20), seventeen (17)

ings be made by said company where the said track or tracks cross the line of streets, and sufficient warning tables be erected in some conspicuous place at or near said crossings; said company to be subject to all laws and ordinances that are now in force or may hereafter be passed to regulate railroads within said city.

6. LIMIT OF SPEED OF LOCOMOTIVES.] SEC. 2. Said company may run their trains by locomotives, within the limits herein described, at a speed not exceeding five miles per hour, subject to such ordinances as may, from time to time, be passed by the common council of said city establishing and regulating speed and motive power within said city.

7. RIGHT TO CONSTRUCT BRIDGE ACROSS SOUTH BRANCH OF CHICAGO RIVER—PROVISO.] SEC. 3. Said company may construct, maintain and use a railroad draw-bridge across the south branch of the Chicago river, at any point south of Twelfth street in said city, for the purpose of connecting their track with the track of any other railroad company, which may be approved by the common council: *Provided*, said bridge shall be so constructed as not materially to interrupt or impede the navigation of said south branch. And the said company may join any other railroad company in the erection and use of any railroad bridge heretofore authorized, or which may hereafter be authorized, to be constructed across said south branch, and the said company and any other railroad company may jointly use each other's track or tracks and bridge, and form material connection within said city, upon such terms as may be agreed upon by the parties interested.

An ordinance concerning the Chicago and Mississippi Railroad Company.

[Passed September 11, 1854.]

Be it ordained by the Common Council of the city of Chicago:

8. PERMISSION TO CONNECT WITH CHICAGO AND ROCK ISLAND R. R.] SECTION 1. That permission and authority is hereby granted to the Chicago and Mississippi Railroad Company to lay down and use two side tracks as its business may require, from the track of the Chicago and Rock Island Railroad, as the same is located on block one hundred and nine (109) in the school section addition, south across Taylor street, and on block one hundred and eight (108). And said company, on its own grounds procured for that purpose, may erect such depots, stations, buildings and shops as it thinks proper.

9. CONDITIONS OF THE GRANT.] SEC. 2. The side tracks herein authorized shall be laid down east of Griswold street and west of Clark street, and the crossing at Taylor street shall be completed and finished under the direction of the committee on streets and alleys of the south division of the city; such tracks at the crossings of Taylor street shall be subject to all the ordinances that now are, or hereafter may be made by the city to regulate the crossing of railroads across the streets of the city: *Provided*, that said streets shall not at any time be obstructed by the stoppage of cars therein, nor shall the said street be obstructed longer than three minutes at any one time by the crossing of trains under way: *And provided*, the city council reserve the right to rescind at any time the rights hereby granted: *Provided, also*, the said

all be liable for all damages that may accrue by reason of the copying or using said tracks.

ance in relation to the Joliet and Chicago Railroad Company.

[Passed January 5, 1857.]

ed by the Common Council of the City of Chicago:

MISSION TO JOLIET AND CHICAGO R. R. TO LAY TRACK—CON-

SECTION 1. That permission be and the same is hereby given to the Joliet and Chicago Railroad Company to introduce said the city on the street known as the Archer road, from a point on the section line between sections twenty-eight and twenty-five street, and from thence through Grove street to the north street; and to use and occupy so much of said streets as necessary for the purpose of constructing, maintaining and using a single or double railroad track through said streets, with its branches, extending to adjoining lands, as may be deemed for the successful use and occupation of said road, upon the following conditions:

That said company shall plank, pave or macadamize the whole said streets between the points indicated above, and forever maintaining, paving or macadamizing in good order and condition.

That the space occupied by said railroad shall not exceed fifteen feet on the Archer road, and shall not exceed twenty-four feet in Grove street, and shall be taken from the north-west side of Archer

That said company shall so construct said work that carriages may pass along said streets, and may also conveniently cross said road.

TRACT TO BE EXECUTED.] SEC. 2. Upon the acceptance of the same by the said company (which shall be within ninety days from the date hereof) a contract embracing the provisions herein contained shall be executed, sealed and delivered, on the part of the city of Chicago, or thereof, and on the part of the Joliet and Chicago Railroad Company by the president thereof, both in the usual legal form.

[OFFICERS TO SUPERINTEND WORK.] SEC. 3. The work required by this ordinance shall be done under the supervision of the city engineer, or such other officer or agent as the common council may

[TO BE INDEMNIFIED AGAINST DAMAGES.] SEC. 4. Said railroad company shall save the city harmless from all costs, damages and suits arising from the occupation of said streets, by said company, from any and from whomsoever.

[OTHER CONDITIONS OF FRANCHISE.] SEC. 5. This permission shall be subject to all general railroad ordinances of the city of Chicago, or that may hereafter be passed, in relation to crossing streets, and other matters of public convenience and necessity.

[BY OF COMPANY AS TO SIDE TRACKS, ETC.] SEC. 6. Said railroad company shall afford all necessary facilities to the owners of property

points.

An ordinance to vacate DePuyster street.

[Passed July 28, 1862.]

Be it ordained by the Common Council of the city of Chicago :

17. PART OF STREET VACATED—PROVISO.] SECTION 1. That portion of said street running east and west through block sixty-seven (67), school section thirty-one (31) in addition to Chicago, known as DePuyster street (except a strip of said street running through the center thereof, twenty (20) feet in width, running from said street east a distance of one hundred and twenty (120) feet) be, and the same is hereby, vacated and discontinued: *Provided, however,* that such vacation and discontinuance shall continue so long, and so long only, as the same shall be used for railroad purposes: *And it is further provided,* that the authorities of said city shall at all times have and possess, without hindrance, the right to enter upon that portion of said street hereby vacated and discontinued, or any part thereof, for the purpose of laying down or repairing either gas or water pipes.

18. REVERSION TO THE CITY, WHEN.] SEC. 2. That if the Peoria and North-Western Railroad Company, the Fort Wayne and Chicago Railway Company, and the Joliet and Peoria Railroad Company, shall at any time cease to use for railroad purposes that portion of the street hereby vacated and discontinued, or if said company or either of them, shall at any time refuse or neglect to fully indemnify said city of Chicago against, and save it harmless from, all judgments, damages, claims, decrees, with the costs and expenses of the same, which may be recovered or obtained against said city, in any judicial proceeding which may ensue or in consequence of the vacation and discontinuance of said street, then said companies shall not, immediately after the passage of this ordinance, but shall vacate and dedicate to public use (without charge or cost to said city) the portion of said street between the rear of lots sixteen (16) to twenty-six (26) inclusive, in said block, of a width of twenty (20) feet, and extend the same through a portion of said vacated street, so as to intersect with that portion of said street hereby vacated and discontinued, reserved or excepted, then this ordinance shall immediately become void, and said street shall thereupon revert to and become vested in said city of Chicago, as before the passage of this ordinance.

ion to the Joliet and Chicago Railroad Company," passed by the council of the city of Chicago, January 5, 1857, and a contract made concluded by and between the said company and the said city on the th day of January, 1857, and under and in pursuance of the second section of said ordinance, the said Joliet and Chicago Railroad Company are required to macadamize that portion of the street known and called as Archer road, from a point commencing on the section line between section twenty-eight (28) and twenty-nine (29) to Grove street, and also the said street from its intersection with the Archer road aforesaid to the north of North street, now known as Sixteenth street, and forever maintain same in good order and condition.

D. BOARD OF PUBLIC WORKS TO ENFORCE AND SUPERVISE.] SEC. 2. the board of public works of said city be, and they are hereby, instructed use plans and specifications for said improvement to be made as speedily as possible, and a copy thereof to be served upon the proper officer or officers of said company, together with a proper notice requiring said company to do and perform said work in conformity with said plans and specifications, and under the direction and supervision of the said board, within a reasonable time, to be fixed by said board.

Ordinance concerning the Chicago, Alton and St. Louis Railroad Company.

[Passed April 22, 1867.]

Enacted by the Common Council of the city of Chicago:

1. AUTHORITY TO LAY ADDITIONAL TRACKS.] SECTION 1. That the Chicago, Alton and St. Louis Railroad Company be, and is hereby, authorized to lay down a railroad track (with necessary turn-outs and switches to connect with adjoining lots) and operate the same in, along and across following streets and alleys in the city of Chicago, to wit: Across Hickory street at its intersection with Lock street, across Fuller street at its intersection with Lock street, across the alley between Hickory and Water streets, south of Fort street, and in and along the north side of Water (formerly Cologne) street, from the point where it strikes said street, south of said street, to a point at or about the southwest corner of lot one (1) in section twenty-three (23) of the canal trustees' subdivision of fractional section twenty-nine (29) of township thirty-nine (39) north of range fourteen east—also across Quarry street about midway between said Water street and the Archer road.

2. CONDITIONS OF THE GRANT.] SEC. 2. The said company is hereby required, and this grant is made upon the express condition, it shall so do down and maintain said track, turn-outs and switches, that they shall interfere as little as practicable with the usefulness of said streets and alleys for the uses for which they are intended, and shall at all times keep same in such condition as to allow the free and easy passage of vehicles going and over them. All of which shall be done under the supervision and direction of the board of public works.

3. INDEMNIFICATION TO CITY.] SEC. 3. This permission or grant is

made upon the further condition, that said railway company shall keep and save the city harmless from all damages, costs and expenses whatever rising out of the use and occupation of said streets and alleys by said company.

24. COMPANY TO EMPLOY FLAGMEN.] SEC. 4. This permission is granted on the further condition that said company shall keep flagmen at the crossings of such streets as and where the common council may designate.

25. GENERAL ORDINANCES QUALIFY THE GRANT.] SEC. 5. This permission is granted subject to all the general ordinances concerning railroads now in force, or that may hereafter be passed.

26. RIGHT IN COUNCIL TO MODIFY, ETC.] SEC. 6. This ordinance shall be subject to amendment or repeal by said council at any time after the expiration of ten years from its passage.

27. EXPRESS CONDITIONS OF GRANT.] SEC. 7. It is hereby expressly understood, and this grant is made on the express condition that no switches or turn-outs shall be made or constructed in said Water or Cologne streets, on the south sides of the track laid therein.

28. COMPANY TO IMPROVE STREETS.] SEC. 8. Whenever said streets, or any of them, shall be ordered improved by the city, then and in such case the said railroad company shall improve, or pay for the improvement of twenty-four (24) feet on the south side of all streets named therein, in addition to their own road bed, as the board of public works or common council shall direct.

29. FORFEITURE OF FRANCHISE, WHEN.] SEC. 9. Should the said company at any time fail to comply with the conditions and provisions of this ordinance, or any of them, or the general ordinances of said city, the common council may order the said tracks, switches and turn-outs to be taken up by said company, and on its failure so to do, in a reasonable time, may direct the same to be taken up at the expense and cost of said company.

30. WHEN ORDINANCE IN FORCE.] SEC. 10. This ordinance shall take effect and be in force from and after its passage.

An ordinance to amend an ordinance concerning the Chicago, Alton and St. Louis Railroad Company.

[Passed September 30, 1867.]

Be it ordained by the Common Council of the City of Chicago :

31. FORMER ORDINANCE AMENDED.] SECTION 1. That the title of said ordinance be so amended as to read, "An ordinance concerning the Joliet and Chicago Railroad Company:" and the first section thereof be amended by striking out the words "Chicago, Alton and St. Louis," in the first line of said section, and inserting in lieu thereof the words "Joliet and Chicago."

An ordinance defining the agreement with the Chicago and Alton Railroad Company, as to the paving or otherwise improving Archer avenue, between Grove and Halsted streets, according to the terms of a contract with the Joliet and Chicago Railroad Company, referred to in an ordinance dated January 5, 1857.

[Passed July 11, 1870.]

23. PREAMBLE—COMPROMISE ON IMPROVING STREETS PROPOSED.]

... part of Archer Avenue lying between Halsted street and
reet, in said city, professing to act under the terms of an ordinance
January 5, 1857, and a contract entered into in pursuance thereof be-
id city and the Joliet and Chicago Railroad Company; and,
as, Also, Morris K. Jessup, one of the stockholders of this com-
believing said assessment to be illegal and invalid, has instituted a suit
in the United States Circuit Court for the Northern District of
against the directors of this company and said city, to enjoin the pay-
ment of collection of said assessment, which suit is still pending; and,
as, Also, it is deemed advisable for the best interests of the company
there should be a compromise of said difficulty upon fair and equitable
terms herefore.

Resolved, That the president of this company be authorized to make the
proposition to said city as a basis of compromise:

That this company shall pay the city of Chicago the sum of ten thou-
sands in full for all paving to be done, now or hereafter, in Archer
avenue between Weaver street and the point where the road of this company
crosses Grove street, and that, in consideration thereof, the said city shall for-
bear the Joliet and Chicago Railroad Company from the obligation to
maintain such pavement on any portion of said avenue.

That both the city and the two companies aforesaid shall reserve all rights
either may have in that portion of Grove street mentioned in said
resolution.

That this company will maintain in good order its track and road-bed
on the portion of Archer avenue between Grove and Weaver streets:

That the above propositions are made subject to the rights of Mr. Jes-
stockholder aforesaid, and that this company will, through their
officers, suggest to Mr. Jessup the propriety of making said compro-
mise upon its acceptance by the said city council of said city, of the
propositions, that they request him, the said Jessup, to withdraw the
action instituted by him as aforesaid.

That, as a further consideration for said compromise, this company will,
if the same is occupied by said city, forever relinquish the right to occupy so
much of said Archer avenue as lies between Weaver street and Halsted street:

Resolved by the Common Council of the city of Chicago:

CHICAGO AND CANADA SOUTHERN AND CHICAGO AND ILLINOIS RIVER R. R. CO'S.

SECTION.

1. Right of way granted on conditions.
2. Board of public works to supervise the laying of tracks, etc.
3. Permission to use steam or animal power.
4. Right to depress tracks, erect bridges and viaducts.
5. General ordinances qualify the grant.
6. City to be held harmless against damage.
7. Proceedings to condemn property to be instituted.

SECTION.

8. Company to allow connections with track.
9. And allow other railroads to use tracks, when.
10. When a forfeiture may be declared.
11. Compensation to be made to property owners.
12. Viaduct over track at Archer avenue provided for.
13. Rights reserved to other companies.

An ordinance concerning the Chicago and Canada Southern Railroad Company and the Chicago and Illinois River Railroad Company.

[Passed November 11, 1872.]

Be it ordained by the Common Council of the city of Chicago :

1. GRANT OF RIGHT OF WAY—CONDITIONS THEREOF.] SECTION 1. That permission and authority be, and the same is hereby, given and granted to the Chicago and Canada Southern Railroad Company, and the Chicago and Illinois River Railroad Company, to lay down, maintain and operate a double track railroad along and upon the following described route and street in the city of Chicago, to-wit: Commencing at the southwest corner of the city limits at Egan avenue; thence east on said Egan avenue to and across the south fork of the south branch of the Chicago river; thence on said Egan avenue to the point where the canal, known as the stock yard canal, enters said Egan avenue; thence easterly and parallel with said canal on any lands said companies may acquire by purchase, condemnation or otherwise to the intersection of Egan avenue and Emerald street; thence east on Egan avenue to Stewart avenue; thence on said Stewart avenue to Grove street; thence northeasterly on said Grove street to Sixteenth street, in said city; thence northerly on any lands the said companies may acquire by purchase, condemnation or otherwise, lying west of Clark street to the south line of Polk street, in said city: *Provided*, that the Chicago and Canada Southern and the Chicago and Illinois River Railroad Companies shall leave a space of thirty feet, for a wagon roadway, on Stewart avenue, between Twenty-sixth street and Thirty-first street: *And provided further*, that the tracks of said companies shall cross the said south fork of the south branch of the Chicago river by a bridge, and the said canal by a swing bridge, to be built under the supervision of the board of public works of said city, and in such manner as said board may direct, and shall forever maintain and keep in repair said bridges under the like supervision: *And it is hereby further provided*, that the said city, or its said board of public works may at any time require the bridge over said south fork of the south branch to be changed to a swing bridge, to be constructed as directed by said board and forever maintained by the said companies under a like supervision.

2. BOARD OF PUBLIC WORKS TO SUPERVISE.] SEC. 2. The said railroad companies may cross any and all streets and alleys and railroad tracks

upon or along the line of the said route, said companies to be subject to the direction of the board of public works of said city in the construction of their said tracks and the keeping in repair of so much of said streets, alleys, and crossings as may be occupied by said railroad companies with their tracks, switches, and turn-outs.

3. COMPANY MAY USE STEAM OR ANIMAL POWER.] SEC. 3. The said railroad companies may, and they are hereby, authorized to lay down, maintain and operate one or more railroad tracks, with such turn-outs, side tracks, switches, and turn-tables as they shall deem necessary, over, or across any land which they may acquire upon the line of said route, or said streets, or between the same on the line of said route, either by purchase, condemnation, or otherwise, and the said railroad companies may use and operate the railroad tracks, hereby authorized to be laid, with locomotive engines and cars, or with horse or other animal power, as they shall deem proper, subject to all ordinances of the city of Chicago applicable to railroads similarly situated.

4. POWER TO DEPRESS TRACKS, ERECT BRIDGES AND VIADUCTS.] SEC. 4. The said railroad companies shall have the right, and are hereby authorized to depress their tracks below the grades of the streets of said city, and to bridge the cross streets; but such bridges shall be built under the superintendence of and in such manner as the board of public works shall direct, and shall forever be maintained by said railroad companies, and convenient crossings shall be made and maintained by said companies where said track or tracks cross any street or alley within said city, according to the directions of the said board of public works. The permission, authority and privileges hereby granted are upon the express condition that the said railroad companies shall erect and maintain viaducts over any of their said tracks, or any street or streets of said city which may be crossed by their said tracks, where and as the said board of public works of said city may, from time to time, require, and erect and construct the approaches to all such viaducts with proper areas on either side of such approaches; said approaches to have an elevation of not more than one foot to every forty feet in length thereof: *And Provided, however,* that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company or companies, then the said companies, the Chicago and Canada Southern, and the Chicago and Illinois River railroad companies shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct, and to pay their fair proportion of the cost of such viaduct or viaducts; and if such other railroad company or companies shall not join in the erection of any such viaduct, then if the proportion of such other company or companies shall be otherwise provided, the said Chicago and Canada Southern, and the Chicago and Illinois River railroad companies shall pay their fair proportion of the cost of any such viaduct.

5. GENERAL ORDINANCES APPLY.] SEC. 5. The said railroad companies shall be subject to all general laws and ordinances of the common council of the said city in relation to railroads.

6. CITY TO BE KEPT HARMLESS.] SEC. 6. The permission and authority hereby granted are upon the further express condition that the said railway companies shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs, and expenses of the same, which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

7. CONDEMNATION PROCEEDINGS TO BE PROSECUTED.] SEC. 7. The permission and authority herein granted are upon the further express condition that said railway companies shall, and will, within two (2) years from the time that said companies shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons, in their property or possessions, by reason of such laying down and construction of such track or tracks, or any part thereof; and having so commenced such proceedings said railroad companies shall prosecute the same in good faith, without unreasonable delay, to completion: *Provided*, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said two years.

8. CONNECTIONS WITH TRACKS TO BE ALLOWED.] SEC. 8. The permission and authority herein granted are upon the further express condition, to wit: That said railway companies shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks, to intersect any track or tracks of said railroad companies within the limits of said city, for the purpose of conveying property to and from such railroad to any warehouse, lumber yard, coal yard or manufactory, situated within one thousand feet of said railroad, and upon reasonable compensation being made therefor shall at all times permit the owners or lessees of any such side-track, or the consignees of any property to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track, and that any such owner, lessee, or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory, shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory over any such side track, to and upon the track of said railroad, under the directions and regulations of said railroad companies, without unreasonable delay: *Provided, however*, that any cars so taken shall be returned without any unnecessary delay.

9. JOINT USE OF TRACKS TO BE ALLOWED, WHEN.] SEC. 9. The permission and authority hereby granted are, upon the further express condition, that the said railroad companies shall permit any track that may be laid under the authority of this ordinance to be used by any other railroad com-

ordinance, and the third one to be selected by the two persons so chosen, the terms and conditions which shall be fixed and determined by them, or a majority of them, shall be the terms and conditions upon which said last named company may use any such track or tracks for the purposes aforesaid.

FORFEITURE OF FRANCHISE, WHEN.] SEC. 10. The privilege and right hereby granted are so granted upon the further express condition, that the tracks authorized by this ordinance shall be laid down and completed within two years from the passage of this ordinance and that if any one or more of said railroad companies shall not have constructed, within two years from the passage of this ordinance, and in operation, forty miles of track commencing at the limits of said city, all the rights and privileges granted by this ordinance to such company or companies shall cease and be void, and the common council shall have the right to designate another railroad company or companies instead thereof, and such company or companies so designated shall be admitted to common rights and privileges over the route and streets herein mentioned, with the company or companies who may have complied with the conditions and provisions of this ordinance; and if such last mentioned company or companies cannot agree with a company or companies so designated by the said common council upon the terms and conditions upon which such common rights and privileges shall be exercised, the same shall be fixed and determined by three disinterested persons, or a majority of them, selected and chosen in the same manner as hereinbefore provided for selecting and choosing such persons under the provisions of the foregoing sections.

COMPENSATION TO BE MADE TO PROPERTY OWNERS.] SEC. 11. The rights and privileges hereby granted are upon the further express condition, that the Chicago and Canada Southern Railroad Company, and the Rock Island and Illinois River Railroad Company, shall purchase (and pay for) from all resident owners who may desire to sell the same, the proportion of the value of the premises which they respectively now reside, fronting upon any street, before the laying out of their tracks upon the part of said street in front of said property; and in case the property owners, above referred to, and said railway companies cannot agree upon the value of said premises as above stated, then said property owners shall select one person, said railroad companies one person,

said railroad companies and upon said property owners. The term "fronting" shall be held to include both fronts of corner lots.

12. VIADUCT AT ARCHER AVENUE.] SEC. 12. That the Chicago and Canada Southern, and the Chicago and Illinois River Railroad Companies shall within two years from the passage of this ordinance, if so ordered by the board of public works, construct a viaduct over their tracks on Archer avenue; also to erect and construct the approaches and area walls on either side of such approaches, said approaches to have an elevation of not more than one foot to every fifty feet in length thereof; and said viaduct approaches and area walls shall be built under the superintendence of and in such manner as the board of public works shall direct, and said viaduct approaches and area walls shall be forever maintained by said railroad companies.

13. RIGHTS RESERVED TO OTHER COMPANIES.] SEC. 13. The privileges authorized herein are granted upon the express condition that the Chicago and Canada Southern and the Chicago and Illinois River railroad companies shall permit any other railroad which has not at present any right of entrance into the city of Chicago, under an ordinance or grant of said city, to use the said tracks hereby authorized to be laid on the streets herein named jointly with the said Chicago and Canada Southern and the Chicago and Illinois River railroad companies, and to lay down tracks upon and across any lands owned, leased or occupied by the said Chicago and Canada Southern and the Chicago and Illinois River railroad companies when necessary to the exercise of the privileges hereby granted, upon such fair and equitable terms as may be agreed upon by said companies, and, in the event that the said companies cannot agree upon such terms, the same shall be settled by three disinterested persons, one to be selected by said Chicago and Canada Southern and the Chicago and Illinois River railroad companies, one to be named by such other company as may desire to use said tracks, and the third by said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of said persons, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks and lay down tracks upon and across said lands; and such other railroad company which may be allowed the use of said tracks shall have the same privilege to run cars upon and across said streets and alleys as are herein granted to said Chicago and Canada Southern and Chicago and Illinois River railroad companies, and shall be subject to all the conditions, restrictions and terms contained in this ordinance.

O, BURLINGTON AND QUINCY RAILROAD COMPANY.

to C. B. & Q. R. Co. to lay tracks	11	Steam power may be used on.
st division.	12	Company to repair Brown street.
connect with Illinois Central R. R.	13	Preference between lumber yards prohibited.
ay track on North street.	14	Ordinance in force.
eam power authorized.	15	Track on Twenty-second street authorized.
r to repair North street.	16	Rights of other companies in tracks.
rthorized on Brown street, condition-	17	Company to repair streets.
	18	And to hold city harmless.
ower allowed to be used.	19	General ordinances to qualify grant.
r to repair Brown street.	20	Franchise on Twenty-second street limited to
e in force.		twenty years.
Brown street authorized.		

ance concerning the Chicago, Burlington and Quincy Railroad Company.

[Passed December 15, 1862.]

acted by the Common Council of the city of Chicago :

MISSION TO LAY TRACKS GRANTED.] SECTION 1. That permission be, and is hereby, given to the Chicago, Burlington and Railroad company to lay down, maintain and operate one or more tracks, together with all such turn-outs, switches and turn-tables as seemed necessary, on the alley next north of North street in said on such lands as said company may acquire next south of and said alley, and in continuation of the same, from the south branch Chicago river to and across May street, and from May street, on such t may acquire, to or near the point on the western limits of the city Evans street crosses said limits, with the right to cross all interven-

DITIONAL TRACKS ALLOWED, ALSO CONNECTIONS, ETC.—CONDI-

SEC. 2. Said company is also hereby authorized to lay down, and operate one or more railroad tracks, with such turn-outs and as they shall deem necessary, on any ground which they now own or after acquire by purchase, donation, condemnation or otherwise, depot grounds on North street, to South street, east of the east Stewart avenue, to Lumber street, and east of the east line of Lumber street, from its intersection with Stewart avenue to South street, and the south branch of the Chicago river, and from the south branch Chicago river to Stinson street, on any lands it may acquire within on either side of South street, and from South street to the les and Mississippi Air-line Railroad, on any lands it may acquire Stinson street and Lisle or Reuben street, and to lay down, and operate any such track or tracks and turn-outs across any streets and alleys within the district aforesaid, and also all may be necessary to the convenient use of any depot grounds company may now own or hereafter acquire in the vicinity of ing said line of road, and the grounds of the Union track road id between the said south branch of the Chicago river and the Central Railroad, and to form connections with it and other roads,

and also to acquire and use all such depot grounds, and to erect thereon such buildings as said company may deem necessary for the convenient transaction of its business: *Provided*, that convenient crossings shall be made and maintained by said company, where such track or tracks cross any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossings; said company shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within the said city.

3. TRACK IN NORTH STREET AUTHORIZED.] SEC. 3. Said company is hereby authorized to lay down, maintain and operate a single railroad track in North street, and fifteen feet south of the north line thereof, from a point two hundred feet west of the west end of the freight depot of said company, on block forty-eight (48) in canal trustees' subdivision of the northwest quarter of section twenty-one (21) in township thirty-nine (39) north of range fourteen (14) east to the slip constructed in North street, at its intersection with the south branch of the Chicago river.

4. STEAM POWER AUTHORIZED.] SEC. 4. Said company may use and operate said railroad tracks with locomotive engines and cars, under the regulations and rules with reference to speed, motive power and manner of running the same, as the common council of said city may, from time to time, impose and make.

5. COMPANY TO KEEP NORTH STREET IN REPAIR.] SEC. 5. Said company shall be required to keep that portion of North street, in which said track shall be laid, in good repair, and pay all damages said city may sustain by reason of suits or otherwise on account of the laying down and using said track, on said part of North street, as provided for by section three of this ordinance.

An ordinance concerning the Chicago, Burlington and Quincy Railroad Company.

[Passed November 2, 1864.]

Be it ordained by the Common Council of the city of Chicago:

6. TRACKS AUTHORIZED ON BROWN STREET, CONDITIONALLY.] SECTION That permission and authority is hereby given to the Chicago, Burlington and Quincy Railroad Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turn-outs in that part of Brown street, in said city, which extends from Sixteenth to Twenty-second street, with the right to cross said last mentioned streets at the intersection of Brown street with the same, or at such other points near such intersections as may be necessary to connect said railroad with said company's main line near Sixteenth street, and with a railroad track to be built by said company on the fifty feet south of and adjoining the south line of Twenty-second street, and extending from the east to the west line of Green's south branch addition to Chicago: *Provided, however, and* this permission and authority is given upon the express condition, that said company shall procure and dedicate to said city so much land as shall be necessary to open Brown street northward from its present terminus to Six-

teenth street: and in case the same or any part thereof is opened by or under the authority of said city, said company shall pay to the said city the costs and expenses of procuring land and opening the same, and shall indemnify and secure said city from any costs or expenses on account of the procuring of land for the opening of said part of said street.

7. STEAM POWER ALLOWED.] SEC. 2. Said company and its successors are hereby authorized to operate said railroad track with steam or such other motive power as it shall deem best; the privileges hereby granted, however, shall be enjoyed subject to all general ordinances that now are, and hereafter may be, in force concerning railroads in said city.

8. COMPANY TO REPAIR STREET, ETC.] SEC. 3. The privileges granted by this ordinance are upon this express condition: That said railway company, its successors and assigns, shall, as respects grading, paving, macadamizing, filling or planking, at its own expense, keep ten feet in width, exclusive of and on one side of its track, in repair on said Brown street, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of improvements, of ten feet in width of said street, exclusive of and on one side of its track, whenever the common council shall by ordinance order said improvement to be made.

9. WHEN ORDINANCE IN FORCE.] SEC. 4. That this ordinance be in force from and after its passage.

An ordinance concerning the Chicago, Burlington and Quincy Railroad Company.

[Passed November 28, 1864.]

Be it ordained by the Common Council of the city of Chicago:

10. PERMISSION TO LAY TRACK ON BROWN STREET.] SECTION 1. That permission and authority is hereby given to the Chicago, Burlington and Quincy Railroad Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turn-outs, in that part of Brown street, in said city, which extends from Sixteenth to Twenty-second street, with the right to cross said last mentioned street at the intersection of Brown street with the same, or at such other points, near such intersections, as may be necessary to connect said railroad with said company's main line near Sixteenth street, and with a railroad track to be built by said company on the fifty feet south of and adjoining the south line of Twenty-second street, and extending from the east to the west line of Green's south branch addition to Chicago; *Provided, however,* and this permission and authority is given upon the express condition, that said company shall procure and dedicate to said city so much land as shall be necessary to open Brown street northward from its present terminus to Sixteenth street; and in case the same or any part thereof is opened by or under the authority of said city, said company shall pay to the said city the costs and expenses of procuring land and opening the same, and shall indemnify and secure said city from any costs or expenses on account of the procuring of land for the opening of said part of said street.

11. USE OF STEAM POWER.] SEC. 2. Said company and its successors are hereby authorized to operate said railroad track with steam or such other motive power as it shall deem best; the privileges hereby granted, however, shall be enjoyed subject to all general ordinances that now are and hereafter may be in force concerning railroads in said city.

12. REPAIRING OF STREET BY COMPANY.] SEC. 3. The privileges granted by this ordinance are upon this express condition: that said railway company, its successors and assigns, shall, as respects grading, paving, macadamizing, filling or planking, at its own expense, keep ten feet in width, exclusive of and on one side of its track, in repair, on said Brown street, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of improvements, of ten feet in width of said street, exclusive of and on one side of its track, whenever the common council shall, by ordinance, order said improvements to be made.

13. PREFERENCE BETWEEN LUMBER YARDS PROHIBITED.] SEC. 4. The right hereby granted shall not be used for the purpose of building up a lumber business in one locality in said city and destroying it in another; and it is hereby expressly provided, and the authority hereby conferred is granted upon the distinct understanding that said Chicago, Burlington and Quincy Railroad Company shall receive all lumber delivered at its depot, in said city, for transportation over its road, and transport the same in the order of its delivery, so far as practicable, and if it shall take or send its cars off its own tracks, and to or into the lumber yards of any one locality in said city to be loaded it shall, in like manner, take or send its cars to and into the lumber yards of every other locality, in said city, which is reached by railroad and over which railroad the said company shall have the right or privilege to run its engine and cars, and said cars, when sent, shall be taken or sent to the respective lumber yards in said city in the order in which application shall be made for the same, so far as may be practicable: *Provided, however,* that said company shall have the right to refuse cars to such persons or parties as shall, by their own fault or neglect, detain cars delivered at their yards to be loaded, over twenty-four hours at any one time.

14. ORDINANCE IN FORCE.] SEC. 5. That this ordinance be in force from and after its passage.

An ordinance concerning the Chicago, Burlington and Quincy Railroad Company.

[Passed January 30, 1866.]

Be it ordained by the Common Council of the city of Chicago:

15. ADDITIONAL TRACKS ALLOWED.] SECTION 1. That permission and authority are hereby given to the Chicago, Burlington and Quincy Railroad Company and its successors, to lay down, maintain and operate a railroad, with a single track, and with switches, turn-outs and side tracks necessary to accommodate the owners and occupants of property along the same

and upon Twenty-second street from Brown to Lumber streets, thence northeasterly on Lumber street to the right of way of the Joliet and Chicago Railroad Company ; also southwesterly on Lumber street from the intersection thereof with Twenty-second street as far as the same is laid out : *Provided*, said track shall be laid in the centre of Twenty-second street and on the east or southeast side of Lumber street, as nearly as practicable to the outer line of the sidewalk, the whole to be done under the supervision and to the entire satisfaction of the board of public works : *And provided, further*, that the city shall have the right at any time after five years shall have elapsed to cause the track on Twenty-second street to be removed to either side of the centre of said Twenty-second street : *And provided, further*, that no car or cars shall be left standing on said main track on Twenty-second street at any time or times for loading or unloading, under a penalty of one hundred dollars.

16. JOINT USE OF TRACKS PROVIDED FOR.] Sec. 2. Said track, side tracks, switches and turn-outs, when laid, shall be open to the use of other railroad companies, whose cars come into the city, upon just, safe, and equitable terms, to be agreed upon by the parties interested, and in case of disagreement to be determined by arbitration.

17. COMPANY TO REPAIR STREETS.] SEC. 3. The privileges granted by this ordinance are upon the express condition that said company, its successors and assigns shall fill, grade and pave, macadamize or plank as and when directed by the board of public works or the common council, such portion of said streets as are used and occupied by said company, and also at least twenty feet in width on Lumber street and twelve feet on each side of its track on Twenty-second street: *Provided*, that if the track on Twenty-Second street shall be moved to either side of said street that then twenty-four feet shall be improved on one side of said Twenty-second street. And shall also keep said track, side tracks, switches and turn-outs in such condition that vehicles may easily and readily pass along or over the same without injury.

18. CITY TO BE HELD HARMLESS.] SEC. 4. The permission hereby granted is upon the further condition that said railway company shall keep and save the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets by said company, its successors, assigns or lessees.

19. GRANT QUALIFIED BY ORDINANCES.] SEC. 5. This permission is granted, subject to all general ordinances now in force or that may hereafter be passed concerning railroads in said city.

20. FRANCHISE TO EXIST TWENTY YEARS.] SEC. 6. This grant or permission shall extend and be in force for the period of twenty years from and after the passage of this ordinance, and for no longer period, and said company shall, at the expiration of said period of twenty years, take up said track, side tracks, turn-outs and switches, leaving the streets in good and safe condition.

CHICAGO AND NORTHWESTERN RAILWAY COMPANY.

SECTION.

1. Permission to Galena and Chicago Union Railroad Company to enter city on Kinzie street.
2. Temporary track allowed on Fulton street.
3. Right to construct road eastwardly from north branch.
4. Right to construct bridge over river.
5. Chicago and Milwaukee Railroad authorized to connect with Galena and Chicago Union Railroad Company.
6. Chicago and Milwaukee Railroad Company authorized to connect with Galena and Chicago Union Railroad Company.
7. Consideration of the grant.
8. Part of First and Second streets vacated.
9. Part of alley vacated.

SECTION.

10. Conveyances to Chicago and Northwestern and Chicago and Milwaukee Railroad Companies authorized.
11. Reversionary interest of the city.
12. Vacation of streets, etc., for depot for Chicago and Northwestern Railroad Company.
13. Conveyance to company authorized.
14. Reversionary interest of the city.
15. Provision made for change of dock lines.
16. Contract with Chicago and Northwestern Railroad Company as to State street bridge ratified.
17. Grade of Wolcott street permanently fixed.
18. Conditional vacation of alley, etc.
19. Ordinance in force—Contract entered into.
20. Contract as to sewerage.

An ordinance concerning the Galena and Chicago Union Railroad.

[Passed July 17, 1848.]

Be it ordained by the Common Council of the city of Chicago :

1. PERMISSION TO ENTER CITY ON KINZIE STREET.] SECTION 1. That permission be, and is hereby, granted to the Galena and Chicago Union Railroad Company to introduce their road into the city on the line of Kinzie street, commencing at the west bounds of the city and extending to the north branch of the Chicago river, and to occupy so much of said street as may be necessary for the purpose of constructing, maintaining, using and occupying a single or double railroad track through said street, with such turn-outs, turn-tables and branches extending to adjoining lands as may be deemed necessary to the successful use and occupation of said road : *Provided*, the space occupied by said road, except when turn-outs, turn-tables and branches occur, does not exceed twenty-two feet in width of the center of said street : *And provided*, said work be so constructed that carriages may pass along either side of said road, and may conveniently cross the same : *And provided, also*, the common council reserve to itself the right to regulate running of locomotives on said road within the limits of the city.

2. TEMPORARY TRACK ON FULTON STREET.] SEC. 2. Said company may also construct and use a temporary track or branch from Kinzie street to Fulton street, and occupy such portion of Fulton street and the streets between Kinzie and Fulton streets, as may be necessary for that purpose, and terminate the same at or near the junction of Fulton street with the north branch of the Chicago river : *Provided*, that sufficient room be left for the free passage of carriages along said streets, and convenient crossings be made where the said track crosses the line of streets : *And provided, also*, that said company bind itself to remove said temporary track when the common council shall so direct.

3. RIGHT TO CONSTRUCT ROAD EASTWARDLY FROM NORTH BRANCH.] SEC. 3. Said company may lay down, maintain, use and occupy a single or double railroad track, with suitable turn-outs and turn-tables, on the most suitable route from Kinzie street, at or near the north branch of the Chicago river to the proposed new street, or proposed new location of North Water

street, proposed to be established about where the alley between Kinzie and North Water streets now is, and may extend the same along said proposed new street, when laid out, to Wolcott street; or if said new street shall be extended through block two in Kinzie's addition to North Water street, may extend said single or double track, if they shall elect to do so, on said new street when extended to North Water street, and thence along North Water street part of the way, or all of the way, to the east limits of the city; or said company may occupy the alley through block two, in Kinzie's addition, from Wolcott to Kinzie street, with their railroad track, as aforesaid, and extend it thence along Kinzie street to North Water street, and thence across or along said North Water street all of the way or part of the way to the east limits of the city as aforesaid: *Provided, however,* that the said railroad track or tracks shall be located in said streets in such manner as the common council may hereafter direct.

4. BRIDGE OVER CHICAGO RIVER.] SEC. 4. Said company may construct a railroad drawbridge over the north branch of the Chicago river, on or near the line of Kinzie street, or the street about to be laid out between Kinzie and North Water streets.

An ordinance concerning the Chicago and Milwaukee Railroad Company.

[Passed February 2, 1857.]

Be it ordained by the Common Council of the city of Chicago:

5. CONNECTION WITH GALENA & C. U. R. R. AUTHORIZED.] SECTION 1. That the Chicago and Milwaukee Railroad Company be, and the same is hereby, authorized to lay down and maintain the track for its railroad, with all necessary tracks and switches through and along so much of Jefferson street and West Kinzie street as shall be necessary to connect the track of said railroad with the track of the Galena and Chicago Union Railroad on Kinzie street.

An ordinance to authorize the Chicago and Milwaukee Railroad Company to lay down a track for its railroad in Jefferson and West Kinzie streets.

[Passed April 20, 1857.]

Be it ordained by the Common Council of the city of Chicago:

6. CONNECTION WITH GALENA ROAD AUTHORIZED.] SECTION 1. That the Chicago and Milwaukee Railroad Company is hereby authorized and empowered to lay down, use and maintain the track of its railroad through so much of Jefferson street and West Kinzie street as shall be necessary to connect the track of the railroad of said company with the track of the Galena and Chicago Union Railroad on West Kinzie street; said track to be laid down and used by said company and its agents as not unnecessarily to interfere with the public use of said streets, and the location of said track to be fixed by the agents of said company, under the direction of the city superintendent, and said road to be kept in repair, at the expense of said company, and the grades to be altered when directed by the common council or city superintendent.

7. CONSIDERATION OF THE GRANT.] SEC. 2. In consideration of the

right granted to it by the foregoing section, said company shall fill said street up to grade with gravel, or other suitable material, and shall also plank and pave said street, when required so to do by order of the common council.

An ordinance to vacate parts of First and Second streets and an alley intersecting said streets.

[Passed August 18, 1860.]

Be it ordained by the Common Council of the city of Chicago :

8. PART OF FIRST AND SECOND STREETS VACATED.] SECTION 1. That so much of First street as extends eastwardly from Halsted street to Union street, and between blocks seventy-eight (78) and seventy-nine (79) in Russell, Mather and Roberts' addition to the city of Chicago, and also so much of Second street as extends eastwardly from Halsted to Union street, and between blocks seventy-seven (77) and seventy-eight (78) in Russell, Mather and Roberts' addition to the city of Chicago, be and the same are hereby vacated and discontinued, so long as they may be used for railroad purposes, and no longer.

9. PART OF ALLEY VACATED.] SEC. 2. That so much of the alley as extends south from Chicago avenue to Third street, and intersecting blocks seventy-nine (79), seventy-eight (78) and seventy-seven (77) in Russell, Mather and Roberts' addition to the city of Chicago, be and the same hereby is declared vacated and discontinued, so long as it may be used for railroad purposes, and no longer.

10. CONVEYANCES AUTHORIZED.] SEC. 3. The mayor and comptroller shall execute and deliver, on behalf of the city, such proper release or releases, conveyance or conveyances, as may be necessary, of the city's right, title and interest in said vacated and discontinued streets and alleys, to the Chicago and Northwestern Railway Company, and to the Chicago and Milwaukee Railroad Company, and each of said companies, as follows : To the Chicago and Northwestern Railway Company all that part of said First street which lies west of the east line of the alley through said blocks seventy-nine and seventy-eight, and the south half of that part of First street which lies between the west line of Union street and the east line of said alley, through said blocks seventy-eight and seventy-nine ; also as much of Second street as lies between the west line of Union street and a line drawn from a point on the north line of lot one (1) in block seventy-seven (77), one hundred and eight (108) feet west of the northeast corner of said block seventy-seven (77) to a point on the south line of lot eight (8) in block seventy-eight (78), one hundred and seventy feet west of the southeast corner of said lot eight (8) ; also all of the alley through said block seventy-eight (78), except that part which lies between the north line of Second street and a line drawn from a point on the east line of lot fifteen (15) in said block seventy-eight (78), sixty (60) feet north from the southeast corner of lot sixteen (16) in said block, measured on the west line of said alley, to a point on the west line of lot eight (8) in said block seventy-eight (78), thirty-one and a half feet north of the southwest corner of said lot eight (8). And to the Chicago and Milwaukee Railroad Company, the north half of said First street, be-

tween the west line of Union street and the east line of the alley through said blocks seventy-eight (78) and seventy-nine (79); the whole of the alley through said block seventy-nine (79); the whole of said alley through block seventy-seven (77); so much of the alley through block seventy-eight (78) as lies south of a line drawn from a point on the east line of lot fifteen (15) in block seventy-eight (78), sixty feet north of the southeast corner of lot sixteen (16) in said block seventy-eight (78), to a point on the west line of lot eight (8) in said block seventy-eight (78), thirty-one and a half ($31\frac{1}{2}$) feet north of the southwest corner of said lot eight (8) in said block seventy-eight (78); also, so much of Second street as lies between Halsted street and a line drawn from a point on the north line of lot one (1), in block seventy-seven (77), one hundred and eight (108) feet west of the northeast corner of said block seventy-seven (77), to a point on the south line of lot eight in block seventy-eight (78), one hundred and seventy (170) feet west of the southeast corner of said lot eight. And in each of which deeds, releases, conveyances, or other instruments, this ordinance shall be fully recited.

11. REVERSIONARY INTEREST OF THE CITY.] SEC. 4. The said First street, the said Second street, and the said alley, or so much of the same as is herein vacated and released to the before named railroad companies, shall immediately revert to the city of Chicago when the said railroad companies shall cease to use the streets and alleys vacated and released herein for railroad purposes, and all right and title thereunto shall again become vested in the city of Chicago, as before the passage of this ordinance: *Provided*, that no streets or alleys shall be vacated except where the railroad companies own upon both sides thereof.

An ordinance to vacate streets and alleys in the west division.

[Passed October 21, 1861.]

Be it ordained by the Common Council of the city of Chicago:

12. VACATION OF STREETS ETC. FOR RAILROAD PURPOSES.] SECTION 1. That so much of Fourth street as lies between the east line of Desplaines street and the west line of Jefferson street; also so much of Jefferson street as lies between the north line of West Indiana street and the north line of Fourth street; also so much of Water street as lies between the south line of Indiana street and the north line of Cook street, and from the north line of Indiana street to Jefferson street; also the alley running north from Indiana street to the north branch of the Chicago river, between Desplaines street and Jefferson street; also the alley between lots seventeen (17) and eighteen (18), and lots seven (7) and eight (8) in Waubansia addition; also the alley running east and west, north and adjoining lot eleven (11) in block sixty-one (61) in Russell, Mather and Robert's addition to Chicago, be, and the same are hereby, vacated and discontinued: *Provided*, however, that such vacation and discontinuance shall continue only so long as they may be used for railroad depot purposes and no longer: *Provided further*, that the city authorities shall have the right to enter upon any or such portions of said streets and alleys as they shall deem necessary for the purpose of laying down or repairing water pipes or sewers or either.

13. CONVEYANCE TO THE C. & N. W. R. Co.] SEC. 2. That the mayor and comptroller shall execute and deliver, in behalf of the city, such proper conveyance as may be necessary to convey to the Chicago and Northwestern Railroad Company so much of the right and title of said city to said streets and alleys hereby vacated, as is contemplated by the provisions of this ordinance, and subject to all the conditions in this ordinance prescribed.

14. REVERSIONARY INTEREST IN CITY.] SEC. 3. That if the said Chicago and North Western Railroad Company shall, at any time, cease to use for railroad depot purposes the streets and alleys that are hereby vacated, or if said railroad company shall at any time hereafter refuse or neglect to immediately pay over to said city of Chicago any and all amount of moneys it may be judicially determined that said city should pay as damages or costs, by reason of the property of any person or persons being damaged by reason of the vacation and discontinuance of such streets and alleys, then such streets and alleys shall immediately revert to the said city of Chicago as before the passage of this ordinance, and any deed or contract given by virtue hereof shall in such event become immediately null and void.

15. PROVISION FOR CHANGE OF DOCK LINES.] SEC. 4. If the authorities of the said city of Chicago shall at any time hereafter establish a dock line on the west bank of the north branch of the Chicago river, which shall necessitate the taking or cutting away of any portion of the streets and alleys hereby vacated, said railroad company shall thereupon cease to use, and shall surrender to said city such portion or portions of such streets and alleys without charge or cost to said city, and said railroad company shall not be entitled to receive damages for the portion of streets or alleys so taken or cut away. Any neglect on the part of said railroad company to comply with the provisions of this section, shall forfeit all right of said company to occupy or longer use the streets and alleys herein vacated.

An ordinance approving a certain contract with the Galena and Chicago Union Railroad Company.

[Passed July 11, 1864.]

Be it ordained by the Common Council of the city of Chicago :

16. CONTRACT CONCERNING STATE STREET BRIDGE RATIFIED.] SECTION 1. That the contract made and executed by and between the Galena and Chicago Union Railroad Company, party of the first part, and the city of Chicago, through the board of public works, party of the second part, bearing date the thirtieth day of May, A. D. 1864, in relation to the construction of a bridge across the Chicago river, on the line of State street, in the south division, and Wolcott street, in the north division, a copy of which is hereto appended, be, and the same hereby is, in all respects, approved, ratified and confirmed.

17. GRADE OF WOLCOTT STREET PERMANENTLY FIXED.] SEC. 2. That pursuant to the terms of said contract, the grade of Wolcott street, between the Chicago river and a point ten feet north of the center line of the track of the Galena and Chicago Union Railroad Company, entering the east door

nore northerly brick freight house of said company, near the corner of Wolcott and (new) North Water streets. be, and the same is hereby, permanently established at seven feet above the base line of the city level here established; and that the grade of (new) North Water street, at its intersection with Wolcott street, be, and the same is hereby, permanently established at seven feet above the base line of the city level, and the grade of (new) North Water street shall ascend east and west from Wolcott street at the rate of one foot rise to one hundred feet in horizontal distance, until the lined grade shall intersect and connect with the general grade of said North Water street, as now, or as it may be hereafter, established. Grades hereby established shall never be changed without the consent of the Galena and Chicago Union Railroad Company.

CONDITIONAL VACATION OF ALLEY.] SEC. 3. That a portion of the alley running through block two (2) in Kinzie's addition to Chicago, be vacated at its intersection with Wolcott street, and running thence north to the southwest corner of lot one (1) in said block two (2), and all the portion of (old) North Water street, situated in Kinzie's addition to Chicago, lying west of the west line of Wolcott street produced to the Chicago river, be and the same are discontinued and vacated: *Provided*, that a new alley shall be laid out and opened by the Galena and Chicago Union Railroad Company, from the remaining portion of the alley above referred to, to North Water street along the easterly side of lot eleven (11) in block two (2) of Kinzie's addition to Chicago, without charge or expense to the city, said alley to be eighteen feet wide.

ORDINANCE IN FORCE.] SEC. 4. This ordinance shall take effect immediately after its passage.

Contract referred to in foregoing ordinance.

Indenture, made this thirtieth day of May, A. D. 1864, by and between the Galena and Chicago Union Railroad Company, party of the first part, and the city of Chicago, party of the second part, witnesseth:

Whereas, the said city of Chicago proposes to erect and maintain a pivot or draw-bridge across the Chicago river, on or near the line of State street in the south division, and a street in the north division of said city, the approach to which proposed bridge from the river will cross water lots one (1), two (2) and three (3) in Kinzie's addition to the city of Chicago, or parts of them, which water lots are owned by the said party of the first part;

Whereas, by virtue of a certain ordinance of the city of Chicago, passed July 17th, 1864, the said party of the first part has heretofore laid and constructed, and has been and is now running and operating railroad tracks, in connection with its railroad, upon and across Wolcott street, between Kinzie street and the Chicago river;

Whereas, it is believed that the public interests and convenience, as well as those of the Galena and Chicago Union Railroad Company, would be promoted by carrying the approach of the proposed bridge on the north side, over the railroad tracks of said company, in the form of a viaduct, instead of raising and filling Wolcott street from Kinzie street up to the necessary grade;

Whereas, the said party of the first part is willing to grant, convey and confirm unto the said party of the second part so much and such portions of the said water lots one (1), two (2) and three (3) in Kinzie's addition to Chicago, as is required for the extension of the proposed street, through, sixty-six feet in width, to the Chicago river, in return for and in consideration of the rights, privileges and benefits hereinafter secured by the said party of the second part to the said party of the first part.

Now, therefore, the said party of the first part, in consideration of the construction and maintenance of said bridge and viaduct, and of other valuable considerations in this agreement hereinafter contained, to be kept and performed by said party of the second part, and upon the conditions hereinafter specified, does hereby grant, convey and confirm unto the said party of the second part, all that portion of water lots one (1), two (2) and three (3) in Kinzie's addition to Chicago, in the county of Cook and state of Illinois, which is embraced or included within the east and west lines of Wolcott street, in said city of Chicago, produced and extended southerly to the main Chicago river; the said party of the second part and its successors forever, to thereafter have and hold the same, for the purposes of a public street, but subject to the stipulations and conditions hereinafter mentioned.

And in consideration of the above agreement to grant and convey as aforesaid, the said party of the second part hereby stipulates and agrees to and with the said party of the first part, that whenever the proposed bridge shall be erected across the Chicago river at the point above indicated, it shall be constructed in accordance with the plan and profile prepared for that purpose by the board of public works of the city of Chicago, and appended hereto, and when displaced by accident, or because worn out and requiring to be repaired or built anew, it shall be renewed or reconstructed without unnecessary delay, in accordance with the same plan and profile, unless the parties hereto mutually agree otherwise, a general description of which plan and profile is as follows:

The said bridge shall be one hundred and eighty-four (184) feet long, revolving on a pivot at the center, having two openings for vessels, each seventy-four (74) feet wide in the clear. The said central pivot shall be fixed at a point in the river about one hundred and twenty-one (121) feet from that point in the northerly line of the river which is intersected by the center line of said bridge. The top of the floor of said bridge shall be twenty-one feet and three inches above the base line of the city level heretofore established. The northerly approach-way to said bridge shall be carried over the tracks of said railroad company on Wolcott street, in the form of a viaduct, on such a grade line that the under side of the three-inch oak plank floor of the said viaduct shall be twenty-one feet above the base line of the said city level, to the end that the roadway over the bridge and the viaduct shall be level, and that the locomotives and cars of the said railroad company may always have free and uninterrupted passage to and fro along the said tracks beneath said viaduct; and, to establish this definitely, it is hereby expressly agreed that the grade of Wolcott street, under the proposed viaduct, for the entire distance occupied by the tracks of said company, and of North Water street at its intersection with Wolcott street, shall be, and is hereby, established at seven feet above the base line of said city level, and the grade of North Water street, east and west of Wolcott street, shall ascend from Wolcott street at the rate of one (1) foot rise to one hundred (100) feet horizontal distance, until such inclined grade shall intersect and connect with the established grade of said North Water street: and the grade of Wolcott street, where occupied by the tracks of said company as above, and of North Water street, within the limits above specified, shall never be changed or modified, except by the mutual consent of both parties to this indenture.

The said viaduct is to be sustained at proper intervals by piers constructed of stone, or a double row of piles, well capped and cased in with two-inch oak plank, and is to extend from the north end of said bridge to a point ten (10) feet north of the center line of the track entering the east door of the more northerly brick freight house of said railroad company, near the corner of Wolcott street and (new) North Water street, where it is to rest on an abutment pier, to be constructed of stone or a double row of piles extending across the said viaduct thirty-eight (38) feet wide; from thence the approach-way will descend at the same width by such a grade as may be proper, to Kinzie street. From the said abutment to the south line of Kinzie street the approach-way is to be constructed, for the present, of piles and timber, with a roadway twenty-three feet and four inches wide, to be covered with three-inch oak plank, and with a sidewalk on each side of the roadway, and raised eight inches above it, seven feet and four inches wide, to be covered with two-inch oak plank. But nothing herein contained shall be so construed as to prevent the widening of this approach-way to the said viaduct, and the widening of said viaduct to the extent of the entire width of Wolcott street, or to prevent the raising and filling of Wolcott street, from the northerly abutment of said viaduct to Kinzie street, to such grade as will furnish to the public easy and convenient access to said viaduct and bridge.

It is further mutually agreed, that the said Galena and Chicago Union Railroad Company shall have the right to construct and maintain, at its own expense, and for its own accommodation and convenience, a passage-way for teams and foot passengers from the said viaduct, and connecting therewith on the westerly side thereof, to such point south of the south ware-

the said party of the second part further agrees to take immediate steps to vacate a portion of the alley running through block two (2) in Kinzie's addition to Chicago, the portion to be vacated being described as follows:

Beginning at its intersection with Wolcott street and running thence northeasterly to the northeast corner of lot one (1) in said block two (2); and, in consideration thereof, the said party of the first part hereby covenants and agrees, to and with the said party of the second part, that immediately after the vacating of the above described portion of the aforesaid alley, the city of Chicago, a free passage-way from the remaining part of said alley into North Water street, along the easterly side of lot eleven (11) in block two (2) aforesaid, said passage-way to be eighteen feet wide.

The said party of the second part further agrees to take immediate steps to vacate all that portion of (old) North Water street situated in Kinzie's addition to Chicago, and lying west of the line of Wolcott street produced to the Chicago river.

The said parties further mutually covenanted and agreed, that the said party of the second part shall not convey to any other party the right to use or occupy any portion of the premises herein conveyed by said party of the first part to said party of the second part for the extension of Wolcott street to the river, without the consent of the said party of the first part; nor shall the said party of the first part be hereafter excluded from such restricted use of the said premises as may be compatible with the full exercise and enjoyment by the said city of Chicago and the public at large of all the paramount rights, privileges and facilities which are hereby reserved by the foregoing terms of this instrument vested in or secured to the said party of the first part, or intended so to be.

The said party of the second part further stipulates and agrees, that the said railroad shall at all times hereafter have the right, uninterruptedly, to stand, move, or pass locomotives and cars along North Water street and across Wolcott street, beneath the existing viaduct, any past, present or future ordinance of the city to the contrary notwithstanding: *Provided, however*, that no locomotive when in active service, shall stop or pass directly under the said viaduct, and further, that so much of (new) North Water street as is now occupied by the said viaduct shall be left open and unobstructed as to allow always a free passage for teams and along the same.

The said party of the first part, in consideration of the foregoing stipulations and covenants to be observed and performed by said party of the second part, further covenants and agrees, to and with the said party of the second part, that it, the said party of the first part, shall contribute and pay to the said party of the second part, the sum of fifteen hundred dollars towards the construction of the said bridge and viaduct; such payment to be made as may be demanded by said party of the second part, after the final execution and ratification of this contract, and at any time after commencing to build said bridge. And further, that the said party of the first part shall and will, annually hereafter, as long as said bridge, and approach-way are maintained, on the first day of April in each and every year, contribute and pay to the said city of Chicago, the sum of four hundred dollars towards the repair of the said viaduct, and renewing and keeping the same in repair—said annual payment to commence on the first day of April next succeeding the opening of the bridge to public use; and the first payment to be computed for such fractional part of the year as may intervene between such opening and such first day of April, at said rate of four hundred dollars per annum.

It is mutually agreed by the parties hereto, that this contract shall take effect and

its president and secretary, and affixed the seal of the said company ; and the said party of the second part, through the board of public works, have also executed the same, and caused to be affixed hereto the signatures of the commissioners of said board.

W. H. BROWN, *President.*

Attest :

[SEAL.]

W. M. LARRABEE, *Secretary.*

J. G. GINDELE,

FRED. LETZ,

O. J. ROSE,

Board of Public Works.

Agreement in relation to sewerage.

[Approved July 19, 1869.]

20. AGREEMENT AS TO SEWERAGE.] This agreement, made this 30th day of June, A. D. 1869, between the Chicago and Northwestern Railway Company of the first part, and the city of Chicago, party of the second part, Witnesseth : That, whereas said railway company is the owner of the lands lying between the east terminus of Mitchell street in said city, and the south branch of the Chicago river, and said city proposes to construct a sewer through said lands communicating with said river.

Now, therefore, said railway company in consideration of the construction of said sewer, and of other privileges to them granted, as hereinafter set forth, hereby grants to said party of the second part the right to lay said sewer through their said grounds, at such a depth from the surface, however, as not to interfere in any manner with the free use of said lands, dockage or other purposes. And it is hereby agreed that both parties to this instrument shall have the privilege at all times of connecting with said sewer through the lands of said party of the first part subject, however, to the sewerage regulations of the said city.

It is further mutually agreed between the aforesaid parties that this agreement shall be perpetual, and at all times be construed into a covenant running with the land.

In witness whereof said parties here have by their proper officers here unto set their hands and fixed their seals on the day and year first above written.

THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY,

By H. R. PARSON,

Vice President.

A. H. BURLEY,

President Board of Public Works.

[SEAL.]

Attest : J. B. REDFIELD,

Assistant Secretary.

CHICAGO AND PACIFIC RAILROAD COMPANY, ETC.

SECTION.

1. Company authorized to operate railroad on streets named.
2. Conditions of the grant—Viaduct—Steam power allowed.
3. General ordinances qualify the grant.
4. City to be held harmless.
5. Proceedings to compensate for property taken to be instituted.

SECTION.

6. Side-tracks, etc., to be allowed.
7. Rights reserved to other companies—When ordinance void.
8. Connection of Chicago and Evanston Railroad Company with, allowed.

An ordinance concerning the Chicago and Pacific Railroad Company and the Chicago and Evanston Railroad Company.

[Passed June 12, 1872.]

Be it ordained by the Common Council of the city of Chicago:

1. CHICAGO AND PACIFIC R. CO. AUTHORIZED TO OPERATE RAILROAD.]

SECTION 1. That permission and authority be, and is hereby, granted to the Pacific Railroad Company, and its successors, to put down, construct and maintain a railroad, with a single or double track, and all necessary switches and turn-outs, along and upon the following named routes and streets in the city of Chicago: Commencing at the western limits of the city, at Bloomingdale road (or street); thence on said Bloomingdale road to and across Coventry street; thence on any property said company may acquire, by purchase, condemnation or otherwise, to the north branch of the Chicago river; thence across said north branch and on any property said company may acquire by purchase, condemnation or otherwise, to Jones avenue; thence on said Jones avenue and Hawthorne avenue to Willow street; thence on any property said company may acquire, by purchase, condemnation or otherwise, to North avenue; thence across North avenue to Cherry avenue; thence on Cherry avenue to and across the north branch canal; thence on Cherry avenue and North Branch street to and across the north branch canal and to Hawthorne avenue; and from said North Branch street on any property said company may acquire, by purchase, condemnation or otherwise, west of Larrabee street and east of the north branch of the Chicago river, to Chicago avenue. And also to put down, construct and maintain, for passenger cars only, a single or double track from the north side of said Willow street, on said Hawthorne avenue, to Larrabee street. It is hereby provided that said crossings of the north branch of the Chicago river, and of the said north branch canal, shall be made by swing or draw-bridges, to be constructed and maintained by said Chicago and Pacific Railroad Company.

2. STEAM POWER TO BE USED—CONDITIONS OF THE GRANT.] SEC. 2. Said Chicago and Pacific railroad company, and its successors, are hereby authorized to run their cars over and along said track, with steam, or other power, as said company may deem best, subject, however, to all general ordinances of the city of Chicago, as to railroad companies similarly situated. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within the limits of said city, according to the direction of the board of public works of said city, but the

permission and authority hereby granted are upon the express condition that said company shall erect, within one year from the passage of this ordinance, a viaduct over North avenue, where the said track or tracks shall cross the same, and shall maintain said viaduct, and shall erect and maintain viaducts over any of its said tracks on any street or streets of said city which may be crossed by its said tracks where, and as the said board of public works of said city may, from time to time, require, and construct the approaches to all such viaducts with proper areas on either side of such approaches, said approaches to have an elevation of not more than one foot to every twelve feet in length thereof, or at such elevation as the board of public works shall direct: *And provided, however,* that where any such viaduct cannot be built at any such street crossing without the same be built over the track or tracks of some other railroad company, then said Chicago and Pacific railroad company shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct, and if such other railroad company or companies shall not join in the erection of any such viaduct, then if the proportion of such other companies shall be otherwise provided, the said Chicago and Pacific railroad company shall only be required to pay a just and equitable proportion of the cost thereof.

3. GENERAL ORDINANCES QUALIFY FRANCHISE.] SEC. 3. The privileges hereby granted shall be subject to all general ordinances that are now, or may hereafter be, in force concerning railroads in the city of Chicago.

4. CITY TO BE INDEMNIFIED FROM LOSS.] SEC. 4. The permission and authority hereby granted are upon the further express condition, that the said Chicago and Pacific railroad company shall, and will forever indemnify, and save harmless, the city of Chicago, against and from any and all damages, judgments, decrees and costs and expenses of the same which it may suffer, or which may be recovered or obtained against said city for, or by reason of the granting of such privileges and authority, or for, or by reason of, or growing out of, or resulting from the passage of this ordinance, or any matter or thing connected therewith, or with the exercise of said company of the privileges hereby granted.

5. PROCEEDINGS TO COMPENSATE FOR PROPERTY TAKEN TO BE INSTITUTED.] SEC. 5. The permission and authority herein granted are upon the further express condition that said railroad company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of, and the making of, compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof, and that having so commenced such proceedings, said railroad company shall prosecute the same in good faith without unreasonable delay to completion: *Provided,* that this section shall not apply to any property or possessions the owner of, or party interested in which, shall not have claimed such compensation within said two years.

6. CONNECTION WITH TRACKS PROVIDED FOR.] SEC. 6. The permission

~~and~~ authority herein granted are upon the further express condition, to-wit :
~~That~~ said Chicago and Pacific Railroad Company shall permit any corpora-
~~tion~~, person or persons, duly authorized by ordinance of said city, to construct
~~side~~ tracks to intersect any track or tracks of said railroad company within
~~the~~ limits of said city, for the purpose of conveying property to and from
~~said~~ railroad to any warehouse, lumber yard, coal yard, or manufactory, sit-
~~uated~~ within one thousand feet of such railroad, and shall deliver freight to
~~and~~ receive freight from any such warehouse, lumber yard, coal yard or man-
~~ufactory~~ situated upon any such side track, without discrimination between
~~the~~ owners or lessees, or any such warehouse, lumber yard, coal yard or man-
~~ufactory~~.

7. RIGHTS RESERVED TO OTHER ROADS.] SEC. 7. The privileges au-
thorized herein are granted upon the express condition that said Chicago
and Pacific railroad company shall permit the Chicago and Evanston railroad
company, and such other railroad company as may hereafter be designated
by the common council of the city of Chicago, which has not at present any
right of entrance into the city of Chicago under any ordinance or grant of
said city, to use said tracks hereby authorized to be laid on the streets herein
named, jointly with the said Chicago and Pacific railroad company (and to
lay down tracks upon and across any lands owned, leased or occupied by the
said Chicago and Pacific railroad company when necessary to the exercise of
the privileges hereby granted), upon such fair and equitable terms as may
be agreed upon by said companies; and in the event that said companies can-
not agree upon such terms, the same shall be settled by three disinterested
persons, one to be selected by said Chicago and Pacific Railroad Company,
one to be named by such other company as may desire to use said tracks,
and the third person by said two persons, and the terms and conditions which
shall be fixed and determined by said persons, or a majority of such persons,
shall be the terms and conditions upon which said companies, respectively,
shall use and occupy said tracks and lay down tracks upon and across said
lands; and such other railroad companies which may be allowed the use of
said tracks shall have the same privileges to run cars upon and across said
streets and alleys as are herein granted to said Chicago and Pacific Railroad
Company, and shall be subject to all the conditions, restrictions and terms
contained in this ordinance: *Provided, further*, that this ordinance shall be
null and void unless the tracks, herein provided for, shall be constructed within
two years from the date of the passage hereof: *And provided, further*, that
before any other railroad company than the two above named shall use
said tracks, it shall obtain the consent of the common council. The per-
mission and authority hereby granted are upon the further expressed con-
ditions that the said Chicago and Pacific Railroad Company shall permit
any other railroad company which now has a depot within the city, and
whose tracks will be crossed by or connected with the track of the said Chi-
cago and Pacific Railroad, to use the tracks hereby authorized to be laid for
the purpose of receiving and delivering freight, such permission to be granted
upon terms which shall be just and reasonable, and if said railroad companies
shall fail to agree upon such terms the same shall be fixed in the manner



specified in this section of this ordinance for the fixing of terms upon which the Chicago and Evanston railroad company may use the track hereby authorized to be laid down.

8. CHICAGO & EVANSTON R. R. Co. CONNECTION.] SEC. 8. The Chicago and Evanston railroad company is hereby authorized to connect with the tracks of the Chicago and Pacific railroad company on Jones avenue, and to construct and operate a single or double track from thence northwesterly on Jones avenue to Southport avenue, and thence north on Southport avenue to the city limits, upon the same terms and conditions imposed by this ordinance on the Chicago and Pacific railroad company; but unless the said Chicago and Evanston railroad company shall, within ninety days after the approval of this ordinance, surrender all claims to use Halsted street under any ordinance heretofore passed, and accept the provisions of this ordinance, then all the rights and privileges granted by this ordinance to the Chicago and Evanston railroad company shall be null and void, and the common council may at any time thereafter designate another road instead thereof with common rights and privileges: *Provided*, that this ordinance shall not be construed as a recognition by the common council of the existence of any right of the Chicago and Evanston railroad company under an ordinance passed August 17, 1864: *And provided, further*, that the provisions of this ordinance in regard to the Chicago and Evanston railroad company shall be null and void, unless the tracks of said company, herein provided for, shall be constructed within two years from the passage of this ordinance.

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY.

SECTION.

1. C. and R. I. R. Co. authorized to lay track southwardly to Van Buren street.
2. And on its own land.
3. And to construct bridge over river.
4. It may use steam power—Speed limited.
5. Manner of laying track prescribed.
6. Authority given to extend track north to South Water street.
7. Also to Kinzie street.

SECTION.

8. Manner of laying and use of tracks.
9. Company may use tracks previously laid.
10. City to be indemnified against loss.
11. Chl. & R. Island and Michigan Southern & Northern Indiana R. Co's authorized to lay track on Clark street—Conditions.
12. Work to be superintended by city.
13. City to be indemnified against damage.

An ordinance in relation to the Chicago and Rock Island railroad.

[Passed May 26, 1851.]

Be it ordained by the Common Council of the city of Chicago :

1. COMPANY AUTHORIZED TO LAY TRACKS TO VAN BUREN STREET.]

SECTION 1. That the Rock Island and Chicago Railroad Company may lay down in any one of the streets of said city, between the west line of State street and the west line of Halsted street, from the south line of said city as far north as the north line of Polk street, a single railroad track, with the necessary turn-outs and turning tables. Said company may extend said track northwardly as far as the south line of Van Buren street, upon any street between the west line of Clark street and the west line of said Halsted street, and build all necessary turn-outs and turning tables.

2. **AUTHORITY TO LAY TRACKS ON ITS OWN LAND.]** SEC. 2. Said company may also construct in said city one or more railroad tracks within the boundaries aforesaid, upon any land they may procure by purchase or otherwise, and may also construct and use all depots which may be necessary to accommodate the business of said company. Said company to be subject to all laws and ordinances that may hereafter be passed to regulate railroads within the city.

3. **RIGHT TO CONSTRUCT BRIDGE.]** SEC. 3. Said company may construct and maintain a railroad draw-bridge across the south branch of the Chicago river, at any point south of the south line of Van Buren street, provided said bridge shall be so constructed as not to interrupt or impede the navigation of said south branch.

4. **STEAM POWER—LIMIT OF SPEED.]** SEC. 4. Said company may run their trains by locomotives, within the limits before described herein, at a speed not exceeding five miles per hour, subject to such ordinances as may, from time to time, be passed by the common council of said city regulating speed and motive power within said city.

5. **MANNER OF LAYING TRACK.]** SEC. 5. In laying down said tracks, turn-outs and turning tables in said streets, they shall be so laid down as to interfere with the ordinary travel and use of said streets as little as possible, and a sufficient space for the passage of teams shall always be left on either side of said street.

An ordinance in relation to the Chicago and Rock Island Railroad.
(Supplemental.)

[Passed April 2, 1852.]

Be it ordained by the Common Council of the city of Chicago :

6. **AUTHORITY TO EXTEND TRACK NORTHWARD.]** SECTION 1. That permission and authority is hereby given to the Chicago and Rock Island railroad company to extend, construct and maintain their track, with necessary switches, turn-tables and side tracks, from the depot ground belonging to said company, on the south branch of the Chicago river, northward through such streets as the city may hereafter designate, or through such lands as the company may procure for that purpose, to the southern terminus of Market street; thence through Market street to South Water street: *Provided*, that if hereafter permission shall be given to any railroad company to construct a track through South Water street and River street, the same privilege to lay down a track, or use the track of such company as shall lay down a track from Market street to the west line of Wabash avenue, shall be granted to the said Chicago and Rock Island railroad company, upon such terms as shall be safe, just and equitable, to be prescribed by the common council.

7. **EXTENSION TO KINZIE STREET.]** SEC. 2. Permission and authority is hereby given to said railroad company to extend their track, and to construct, maintain and use the same, with all necessary switches, turn-tables and side tracks, from the bridge across the south branch of the Chicago river, heretofore by ordinance authorized to be constructed by said com-

pany, thence northerly on the west side of said south branch, through such streets as the city may hereafter designate, to Kinzie street: *Provided*, that if the city shall designate the streets, or furnish the right of way for the track, provided for in this section, so as to allow the track to be built within the time hereinafter mentioned, in such case, said company shall within eighteen months after the completion of the track on the east side, lay down and finish the track in this section provided.

8. TRACKS, HOW TO BE LAID AND USED.] SEC. 3. The tracks, side tracks and switches, authorized by the foregoing section, shall be laid on such side or part of the street that may be used for the same, as the common council may prescribe; and the grade of the tracks, side tracks and switches, herein authorized, and the manner of laying down the same, shall be subject to the direction and supervision of such committee of the common council as may be appointed by the common council for that purpose; and the speed and the motive power to be used on said tracks, and the tracks, side tracks and switches and turn-tables built in connection with said tracks and along the same, shall be subject to such general regulations as the common council may prescribe for railroads within the city. Said tracks, side tracks, switches and turn-tables, so far as the same are laid in any street, shall be open to the use of other railroad companies and railroad corporations whose cars come into the city, with all proper, necessary and suitable connections for such companies as may desire to use said tracks, upon just, safe and equitable terms, to be agreed upon by the parties interested, and, in case of disagreement, by arbitration.

9. COMPANY MAY USE TRACKS LAID DOWN.] SEC. 4. If any other railroad company shall desire to lay down tracks in any of the streets herein authorized to be used, and, having obtained permission, shall proceed to lay down tracks before said Chicago and Rock Island railroad company shall have done so, said Chicago and Rock Island railroad company may use and occupy the same jointly with such company, upon just and equitable terms, and so as to accommodate both companies so far as practicable; said terms to be agreed upon by the parties interested, and, in case of disagreement, by arbitration.

10. CITY TO BE INDEMNIFIED.] SEC. 5. The permission and authority hereby granted is upon the express condition, that the railroad company shall indemnify the city for any damage and expense to which it may be legally subjected by reason of the occupying of any of the streets, alleys or grounds of the city, with its tracks or other fixtures.

An ordinance authorizing the use of Clark street (by railroads) upon making the improvements specified herein.

[Passed January 7, 1856.]

Be it ordained by the Common Council of the city of Chicago:

11. C. & R. I. R. Co., ETC., AUTHORIZED TO LAY TRACKS ON CLARK STREET.] SECTION 1. That the Chicago and Rock Island Railroad Company, and the Michigan Southern and Northern Indiana Railroad Company, be, and are hereby, authorized to lay down an additional track in Clark street

From its southern terminus to where their present track diverges from said street, and to maintain and use the same on the following terms and conditions:

First. That the east rail of the east track shall be placed in the centre of the street, and the additional track hereby authorized be placed west, and as near the east track as practicable.

Second. That such companies shall plank the whole surface of each street, including sidewalks, between the points first above indicated, and put in good, complete and proper sewers on both sides, and forever maintain such planking and sewers in good order and condition, and cross sewers, if necessary.

Third. That the planks shall be of oak, not less than three (3) inches, and laid upon oak stringers with proper bearings, and upon the grade fixed by the city; and whenever the city shall pave the balance of South Clark street, then such companies shall pave the portion used by them, in the same manner, free of expense to the city.

12. CITY SUPERINTEND WORK.] SEC. 2. The work provided in this ordinance is to be done under the supervision of the city superintendent.

13. CITY TO BE INDEMNIFIED.] SEC. 3. The powers herein granted are upon the conditions that such companies shall fully indemnify the city against all damages to which the city may be subjected by property holders on said street, in consequence of the powers herein granted.

ILLINOIS AND WISCONSIN RAILROAD COMPANY.

1. Authority to lay tracks—Power reserved to the city.

An ordinance concerning the Illinois and Wisconsin railroad track.

[Passed October 4, 1852.]

Be it ordained by the Common Council of the city of Chicago :

1. AUTHORITY TO LAY TRACKS ON STREETS NAMED.] SECTION 1. That the Illinois and Wisconsin Railroad Company are hereby authorized to lay down through their own land, or such land as they may acquire by purchase or otherwise, the track, switches, turn-tables and turn-outs, as said company may deem proper, within the following described limits of the west division of the city of Chicago: All of Waubansia addition west to the center of Jefferson street, and that part of Russell, Mather and Roberts' addition lying north of Owen street, and those parts of sections four, five and eight, lying between Milwaukee avenue and the north branch of the Chicago river, and for the purposes of such track, to intersect and cross any street or streets said company may deem proper; the city hereby reserving to itself the power to control the manner of constructing said track, and the motive power to be used, and the speed of the same.

ner and upon the terms and conditions following, to wit: The said road shall enter said city at or near the intersection of its south boundary with Lake Michigan, and following the shore on or near the margin of said lake northerly to the southern bounds of the open space known as Lake park, in front of canal section fifteen, and continue northerly across the open space in front of said section fifteen to such grounds as the said company may acquire between the north line of Randolph street and the Chicago river, in the Fort Dearborn addition to said city, upon which said grounds shall be located the depot of said railroad within the city, and such other buildings, ships or apparatus, as may be necessary and convenient for the business of said company. But it is expressly understood, that the city of Chicago does not undertake to obtain for said company any right of way, or other right, privilege or easement, not now in the power of said city to grant or confer, or to assume any liability or responsibility for the acts of said company.

4. WIDTH OF SPACE ALLOWED.] SEC. 2. The said company may enter upon and use in perpetuity for its said line of road, and other works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of said public ground, near Twelfth street, to the northern line of Randolph street; the inner or west line of the ground to be used by said company to be not less than four hundred feet east from the west line of Michigan avenue, and parallel thereto.

5. AUTHORITY TO FILL IN LAKE BASIN.] SEC. 3. The said company may extend their works and fill out into the lake to a point in the southern pier not less than four hundred feet west from the present east end of the same, thence parallel with Michigan avenue to the north line of Randolph street extended, but it is expressly understood that the common council does not grant any right or privilege beyond the limits above specified, nor beyond the line that may be actually occupied by the works of said company. It is further expressly understood that, should any damage or obstruction occur to the harbor of Chicago, clearly traceable to the construction of said works contemplated by sections two and three hereof, then the said company shall be held responsible for the same.

6. SIDE TRACK LOCATED AND EXTENSION ALLOWED.] SEC. 4. Permission and right of way are hereby given to the said company to construct and maintain a side track from its main track, beginning at or south of Twelfth street, proceeding through said street, or such line as may be prescribed by the common council, westerly to the south branch of the Chicago river; thence crossing the said south branch by a bridge, or other mode to be approved by the common council, which shall not obstruct navigation; thence proceeding northerly to Kinzie street, following, as far as practicable, the streets nearest to said branch, on such sides of the center of streets as the common council may prescribe; said track not to be laid west of the west line of Canal street; and also a track leading from the last mentioned track, at or near its intersection with the eastern line of the said south branch of the Chicago river, along the line of said south branch, into Market street, following, as far as possible, the streets nearest the river, and on such sides of such streets as the common council may direct; thence

10. ENCROACHMENT ON LAKE PARK PROHIBITED.] SEC. 8. The said company shall not in any manner, nor for any purpose whatever, occupy, use or intrude upon the open ground known as Lake Park, belonging to the city of Chicago, lying between Michigan avenue and the western or inner line before mentioned, except as far as the common council may consent, for the convenience of said company, while constructing or repairing their works in front of said ground.

11. LOOK-OUT NOT TO BE OBSTRUCTED.] SEC. 9. The said company shall erect no buildings between the north line of Randolph street and the south line of the said Lake Park, nor occupy nor use the works proposed to be constructed between these points, except for the passage of, or for making up or distributing their trains; nor place upon any part of their works between said points any obstruction to the view of the lake from the shore, nor suffer their locomotives, cars or other articles to remain upon their tracks, but only erect such other works as are proper for the construction of their necessary tracks and the protection of the same.

12. CULVERTS THROUGH BREAK-WATER.] SEC. 10. The said company, in constructing the said line of works in front of Lake Park and the public grounds, shall make and keep open through the same such culverts or ways, as the common council shall prescribe, from the open lake to the space inside of the western line before mentioned, as will afford room for the uninterrupted flow of the water through the same.

13. CONNECTION WITH C. & R. I. R. Co. PROVIDED FOR.] SEC. 11. The said company shall lay down, construct, operate and maintain a track, with suitable turn-outs, switches and turntables, through Twelfth street, or through such other street north of North street as the common council may designate, from their main track on the lake shore, to connect with the said tracks to be constructed by the Chicago and Rock Island Railroad Company, or procure the same to be done, as provided by an ordinance of the city of Chicago, passed April 2, 1852, so soon as the said track on the east side of the south branch of the river shall be completed: *Provided*, that the city of Chicago shall furnish the right of way to the said company, free of cost, before requiring said track to be constructed.

14. CONDITIONS OF THE ORDINANCE.] SEC. 12. Upon the acceptance of this ordinance by the said company (which shall be within ninety days of the passing of the same), a contract or agreement embodying the provisions herein contained, and stipulating that the permission, rights and privileges hereby conferred upon said company shall depend upon the performance on their part of the requirements made upon them by this ordinance, shall be executed, sealed and delivered on the part of the city of Chicago by the mayor thereof, and on the part of the Illinois Central Railroad Company by the president thereof, both in usual legal form.

An ordinance concerning the Illinois Central Railroad.

[Passed September 15, 1856.]

15. PREAMBLE.] WHEREAS: The common council of this city, by an ordinance of the 14th day of June, 1852, granted to the Illinois Central

Railroad Company the right to enter and use in perpetuity, for its line of railroad and other works necessary to protect the same from the lake, a width of three hundred feet from the southern boundary of the public ground on Twelfth street to the northern line of Randolph street, the inner or the west line of which ground so to be used by the company, to be not less than four hundred feet east from the west line of Michigan avenue and parallel thereto; and, whereas, the ground granted is shown to be too narrow to afford to said company a convenient means of approaching and using a part of their station grounds between Randolph street and Chicago river; therefore,

Be it ordained by the Common Council of the city of Chicago :

16. LAND GRANTED TO USE OF COMPANY.] SECTION 1. That permission is hereby granted to the said Illinois Central Railroad Company to enter upon and use in perpetuity, for its line of railroad and other works necessary to protect the same from the lake, the space between its present break-water and a line drawn from a point on said break-water, seven hundred feet south of the north line of Randolph street extended, and running thence on a straight line to the southeast corner of its present break-water, and thence to the river: *Provided, however,* and this permission is only given upon the express condition, that the portion of said line which lies south of the north line of Randolph street extended, shall be kept subject to all the conditions and restrictions, as to the use of the same, as are imposed upon that part of said line by the said ordinance of June 14, 1852.

An ordinance approving the plans for a bridge, to be erected by the Illinois Central Railroad Company across the Chicago river.

[Passed December 1, 1862.]

17. WHEREAS: The common council, by ordinance passed June 14, 1852, did authorize the Illinois Central Railroad Company to extend the track of said road from their track or grounds south of the south pier, across the Chicago river to North Water street, by means of a bridge, the plans of which were to be approved by the common council; therefore,

Be it ordained by the Common Council of the City of Chicago :

18. CONDITIONAL APPROVAL OF BRIDGE PLANS AT N. WATER STREET.] SECTION 1. That the plans for a pivot bridge presented by the Illinois Central Railroad Company, to cross the Chicago river at a point designated in the foregoing preamble, be and the same is hereby approved; subject, however, to this express condition, that the breaking of ground for the erection of said bridge, or the taking of any measures by the said company or its agents towards the building of the same, shall be taken and construed as an acceptance of and agreement on the part of said company to all the conditions, provisions, restrictions and requirements of this ordinance, and the same shall be binding upon said company.

19. CITY TO SUPERVISE AND TO BE HELD HARMLESS.] SEC. 2. Said railroad company shall construct said bridge under the charge and superintendence of the board of public works; and said company shall be liable for and chargeable with all damages that may accrue and become payable to the owners or occupants of any real estate, or to the owners or charter party of

ny vessel, float or water craft, by reason of the construction, operation or improper care and management of said bridge; and said company shall, at its own cost, tend said bridge, and shall so operate and manage the same as to cause the least possible obstruction to navigation; and said railroad company shall indemnify and save the city of Chicago harmless from any and all costs, damages, charges and expenses whatsoever, that may in any manner arise by reason of the erection or use of a bridge at that point.

an act in relation to a portion of the submerged lands and lake park grounds lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago.

[Passed (over veto) April 16, 1869.]

20. RELEASE TO CITY OF CHICAGO.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly, That* All right, title and interest of the state of Illinois in and to so much of fractional section fifteen (15), township thirty-nine (39), range fourteen (14) east of the third (3d) principal meridian, in the city of Chicago, county of Cook, and state of Illinois, as is situated east of Michigan avenue, and north of Park row and south of the south line of Monroe street and west of a line running parallel with and four hundred feet east of the west line of said Michigan avenue—being a strip of land four hundred feet in width, including said avenue, along the shore of Lake Michigan, and partially submerged by the waters of said lake—are hereby granted, in fee, to the said city of Chicago, with full power and authority to sell and convey all of said tract east of said avenue, leaving said avenue ninety (90) feet in width, in such manner and upon such terms as the common council of said city may, by ordinance, provide: *Provided*, that no sale or conveyance of said property, or any part thereof, shall be valid unless the same be approved by a vote of not less than three-fourths of all the aldermen elect.

21. PROCEEDS OF SALE TO CONSTITUTE A PARK FUND.] SEC. 2. The proceeds of the sale of any and all of said lands shall be set aside, and shall constitute a fund, to be designated as the "Park Fund" of the said city of Chicago, and said fund shall be equitably distributed, by the common council, between the south division, the west division and the north division of the said city, upon the basis of the assessed value of the taxable real estate of each of said divisions, and shall be applied to the purchase and improvement, in each of said divisions, or in the vicinity thereof, of a public park or parks, and for no other purpose whatsoever.

22. RIGHTS CONFIRMED AND GRANTS TO ILLINOIS CENTRAL R. CO.] SEC. 3. The right of the Illinois Central Railroad Company, under the grant from the state in its charter, which said grant constitutes a part of the consideration for which the said company pays to the state at least seven per cent. of its gross earnings, and under and by virtue of its appropriation, occupancy, use and control, and the riparian ownership incident to such grant, appropriation, occupancy, use and control in and to the lands submerged or otherwise lying east of the said line running parallel with and four hundred feet east of the west line of Michigan avenue, in fractional sections ten (10) and fifteen

(15), township and range as aforesaid, is hereby confirmed, and all the right and title of the state of Illinois, in and to the submerged lands constituting the bed of Lake Michigan and lying east of the tracks and break-water of the Illinois Central Railroad Company, for the distance of one mile, and between the south line of the south pier extended eastwardly, and a line extended eastward from the south line of lot twenty-one, south of and near to the round house and machine shops of said company, in the south division of the said city of Chicago, are hereby granted, in fee, to the said Illinois Central Railroad Company, its successors and assigns: *Provided, however*, that the fee to said lands shall be held by said company in perpetuity, and that the said company shall not have power to grant, sell or convey the fee to the same, and that all gross receipts from use, profits, leases or otherwise of said lands, or the improvements thereon, or that may hereafter be made thereon, shall form a part of the gross proceeds, receipts and income of the said Illinois Central Railroad Company, upon which said company shall forever pay into the state treasury, semi-annually, the per centum provided for in its charter, in accordance with the requirements of said charter: *And provided, also*, that nothing herein contained shall authorize obstructions to the Chicago harbor, or impair the public right of navigation, nor shall this act be construed to exempt the Illinois Central Railroad Company, its lessees or assigns, from any act of the general assembly which may be hereafter passed regulating the rates of wharfage and dockage to be charged in said harbor: *And provided, further*, that any of the lands hereby granted to the Illinois Central Railroad Company, and the improvements now, or which may hereafter be, on the same, which shall hereafter be leased by said Illinois Central Railroad Company to any person or corporation, or which may hereafter be occupied by any person or corporation other than said Illinois Central Railroad Company, shall not, during the continuance of such leasehold estate or of such occupancy, be exempt from municipal or other taxation.

23. CERTAIN LAND GRANTED TO COMPANIES.] SEC. 4. All the right and title of the state of Illinois in and to the lands, submerged or otherwise, lying north of the south line of Monroe street, and south of the south line of Randolph street, and between the east line of Michigan avenue and the track and roadway of the Illinois Central Railroad Company, and constituting parts of fractional sections ten (10) and fifteen (15), in said township thirty-nine (39), as aforesaid, are hereby granted, in fee, to the Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company, and the Michigan Central Railroad Company, their successors and assigns, for the erection thereon of a passenger depot, and for such other purposes as the business of said companies may require: *Provided*, that upon all gross receipts of the Illinois Central Railroad Company, from leases of its interest in said grounds, or improvements thereon, or other uses of the same, the per centum provided for in the charter of said company shall forever be paid, in conformity with the requirements of said charter.

24. COMPENSATION TO THE CITY.] SEC. 5. In consideration of the grant to the said Illinois Central, Chicago, Burlington and Quincy, and Michigan Central railroad companies of the land as aforesaid, said companies are

hereby required to pay to said city of Chicago, the sum of eight hundred thousand dollars, to be paid in the following manner, viz.: Two hundred thousand dollars within three months from and after the passage of this act, two hundred thousand dollars within six months from and after the passage of this act, two hundred thousand dollars within nine months from and after the passage of this act, two hundred thousand dollars within twelve months from and after the passage of this act; which said sums shall be placed in the park fund of the said city of Chicago, and shall be distributed in like manner as is hereinbefore provided for the distribution of the other funds which may be obtained by said city from the sale of the lands conveyed to it by this act.

25. CITY TO QUIT-CLAIM—CONSEQUENCE OF FAILURE.] SEC. 6. The common council of the said city of Chicago is hereby authorized and empowered to quit-claim and release to the said Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company and the Michigan Central Railroad Company any and all claim and interest in and upon any and all of said land north of the south line of Monroe street, as aforesaid, which the said city may have by virtue of any expenditures and improvements thereon, or otherwise, and in case the said common council shall neglect or refuse thus to quit-claim and release to the said companies as aforesaid, within four months from and after the passage of this act, then the said companies shall be discharged from all obligation to pay the balance remaining unpaid to said city.

26. CONDITIONS OF THE GRANT TO ILLS. CENT. R. CO.] SEC. 7. The grants to the Illinois Central Railroad Company contained in this act are hereby declared to be upon the express condition that said Illinois Central Railroad Company shall perpetually pay into the treasury of the state of Illinois the per centum on the gross or total proceeds, receipts or incomes derived from said road and branches stipulated in its charter, and also the per centum on the gross receipts of said company reserved in this act.

27. ACT PUBLIC AND IN FORCE.] This act shall be a public act, and in force from and after its passage.

Resolution authorizing the erection of a station house.

[Passed May 15, 1871.]

28. PREAMBLE.] WHEREAS: A large number of real estate owners and residents of Fairview station, on the Illinois Central Railroad, are anxious to erect a suitable depot station; and,

WHEREAS: The right of way belonging to the railroad is not of sufficient width to permit the erection of said depot building without occupying a portion of Douglas place; therefore,

29. CONDITIONAL GRANT OF PART OF DOUGLAS PLACE.] Resolved, That the said citizens are granted the privilege of using and occupying so much of the east end of Douglas place, on the north side, as may be absolutely necessary for the erection and maintenance of a depot building of sufficient size to accommodate the people, the same to be built by the citizens and the Illinois Central railroad, jointly, within four months after the passage of this resolution.

LAKE SHORE AND MICHIGAN SOUTHERN RAILROAD.

SECTION.

1. Michigan Southern and Northern Indiana R. Co. authorized to lay tracks.
2. Board of public works to supervise work.

SECTION.

3. Steam power to be used under conditions.
4. Effect of the acceptance of the ordinance.

An ordinance in relation to the Michigan Southern and Northern Indiana Railroad Company.

[Passed September 6, 1869.]

Be it ordained by the Common Council of the city of Chicago :

1. AUTHORITY GRANTED TO LAY CERTAIN TRACKS.] SECTION 1. The permission and authority is hereby granted to the Michigan Southern and Northern Indiana Railroad Company to lay down one or more railroad tracks or tracks over and across the property, lately purchased by said company, between Twenty-second and Sixteenth streets, in said city, being the west one-half of blocks numbered forty-seven (47), thirty-seven (37), thirty-six (36), twenty-eight (28), eighteen (18), eleven (11) and four (4) of the canal trustees' subdivision of the east fraction of the southeast quarter of section number twenty-one (21), township number thirty-nine (39) north, range number fourteen (14) east of the third (3d) principal meridian, and to lay such tracks across the streets and alleys lying between said blocks, within the boundaries aforesaid, said Twenty-second and Sixteenth streets inclusive, but no more than two tracks shall be laid across Twenty-second street or Archer road.

2. BOARD OF PUBLIC WORKS SUPERVISE WORK.] SEC. 2. All tracks laid across the streets aforesaid shall be laid under the direction of the board of public works, and in such manner as not to interfere with travel along such streets; convenient crossings shall be made and maintained across such streets and alleys, and proper warning signs shall be erected and maintained in conspicuous places at or near all street crossings within the limits aforesaid; and said company shall keep, at all times, flagmen at the crossings on Twenty-second and Eighteenth streets and Archer road.

3. STEAM POWER TO BE USED UNDER CONDITIONS.] SEC. 3. Said company may use and operate said railroad tracks, within the limits aforesaid, with locomotives, engines and cars, under such rules and regulations with reference to the speed, motive power, and manner of running the same, as the common council of said city has made or may, from time to time, hereafter impose and make.

4. ACCEPTANCE OF ORDINANCE AND ITS EFFECT.] SEC. 4. The acceptance of this ordinance by said company shall be deemed and held to be an agreement on its part, to relinquish all rights to use Clark street, between the points named in the first section, from and after the expiration of two years after the passage of this ordinance, and all grants heretofore made to said company to use the same shall cease and end on the expiration of said time.

NORTHERN RAILROAD.

SECTION.

1. Authorized to lay tracks, where.
2. Improvement of streets provided for.
3. Tracks to be kept in passable condition.
4. City to be indemnified against loss.
5. Flagmen to be employed.
6. The franchise subject to ordinances.

SECTION.

7. Bond to be given to the city.
8. Consolidation etc. with other company to work forfeiture.
9. Road to be completed, when—Forfeiture.
10. Ordinance applies to successors and assigns.
11. When ordinance in force.

An ordinance concerning the Northern Railroad Company.

[Passed February 5, 1866.]

Be it ordained by the Common Council of the city of Chicago :

1. RIGHT TO LAY DOWN TRACKS.] SECTION 1. That the Northern Railway Company is hereby authorized to lay down, in as direct line as practicable, in the center of the streets and avenues hereinafter enumerated from its commencement to the termination thereof, within the city limits, a railroad track with necessary switches and turn-outs, and to operate the same upon the following named streets and avenues, and to cross all streets and avenues intersecting the same in its route, to-wit: Commencing at the northern city limits, thence on Southport avenue, thence along Southport avenue to Jones avenue, thence along Jones avenue to Hawthorne avenue, thence along Hawthorne avenue to Larrabee street, thence along Larrabee street to Chicago avenue, or to the street used and known as Roberts street, thence along Roberts street to Kingsbury street, thence on Kingsbury street to the north line of Kinzie street; or said company may, instead of using that portion of Chicago avenue from Larrabee to Kingsbury street, lay their track across any land legally acquired by them, in a direct line from Larrabee street to Kingsbury street, south of Erie street, and thence on Kingsbury street to Kinzie street.

2. IMPROVEMENT OF STREETS.] SEC. 2. It shall be the duty of the board of public works to furnish said company with the grade established or to be established on the streets and avenues designated in section one of this ordinance, or upon the streets or avenues on which they shall lay their track, and when ordered by the common council or the board of public works said company shall raise the same to grade, and with an average depth of at least one foot and a half of gravel, and shall lay their track, as far as practicable, in such a manner that a good travel way shall be maintained for the use of the public, and shall keep the said roadway in good repair at all times, the said improvement to be done under the direction of the board of public works. A failure on the part of the company to comply with the conditions of this section, shall work a forfeiture of the grant made under this ordinance: *Provided*, if the said railroad company shall refuse or neglect to comply with the provisions of this section, or shall refuse or neglect to make such new improvement, when recommended by the board of public works, or ordered by the common council, within a reasonable time, to be fixed by any ordinance of the common council, then the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments, from any real or personal property of said company.

But if the board of public works should deem it inexpedient that said new improvement should be so made by said company, then the same shall be done by the city, as in other cases, and the cost thereof assessed upon and tollected of said company in manner as aforesaid. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the repairs required by any ordinances heretofore passed, after twenty days' notice from the board of public works, the city may make the improvements and collect the cost thereof by suit at law in any court of competent jurisdiction.

3. CONDITION OF TRACKS.] SEC. 3. The said company is also hereby required to so lay down and maintain its tracks, switches, and turn-outs, that they shall interfere as little as practicable with the usefulness of said streets, avenues and alleys as road or carriage-ways, and shall at all times keep them in such condition as to allow free and easy passage for vehicles along and over the same, under the direction of the board of public works.

4. CITY TO BE INDEMNIFIED.] SEC. 4. The permission herein granted is upon the express condition that said railway company shall keep and save the city harmless from all damages, costs, expenses and suits arising out of the occupation or use of said streets, avenues and alleys by said company.

5. FLAGMEN TO BE EMPLOYED.] SEC. 5. This permission is granted on the further condition that the said company shall at all times keep flagmen at such cross streets as the board of public works or common council may from time to time direct.

6. GRANT SUBJECT TO GENERAL ORDINANCES.] SEC. 6. This permission is granted subject to all general ordinances now in force, or that may hereafter be passed, concerning railroads in said city.

7. BOND TO BE GIVEN TO CITY.] SEC. 7. Said railroad company shall enter into bonds with the city of Chicago in the penal sum of fifty thousand dollars, to be approved by the mayor and comptroller, for the faithful performance on its part of all the provisions and requirements of this ordinance, and all general ordinances now in force, or that may hereafter be passed concerning railroads.

8. CONDITIONS OF THE GRANT.] SEC. 8. This permission is given upon the further condition that the said company shall not consolidate with, or be controlled by, any other company having a trunk road entering in said city, and in case the said company shall ever be controlled by any such road, either by sale, purchase of stock or otherwise, this permission or grant shall cease and be of no force or effect, and the city may enter upon said streets, avenues and alleys, and take up and remove said track, side tracks, switches and turn-outs, and repossess the same as before the passage of this ordinance.

9. FORFEITURE UNLESS ROAD COMPLETED, WHEN.] SEC. 9. This grant is made on the further condition that the said railway company shall construct and finish the said road within two years from the passage of this ordinance, and in case the same is not done, within the said time, this grant shall cease and be of no force and effect. *And it is further provided,* that said Northern Railroad Company shall receive and transport, on fair and

equitable terms, all freights and passengers which may be brought to it by connecting railroads: *Provided*, that if said company, its successors and assigns, shall be enjoined by any court in Cook county, the time said company shall be enjoined shall not be computed or taken to be any part of the two years herein mentioned for the completion of said railroad, meaning and intending hereby to grant two full years for the completion thereof.

10. ORDINANCE EXTENDS TO SUCCESSORS.] SEC. 10. The provisions, grants, restrictions, and obligations of this ordinance shall extend to, and be in force and binding upon, the successors and assigns of said Northern Railroad Company.

11. WHEN IN FORCE.] SEC. 11. This ordinance shall be in force and effect as soon as the bond provided for by section seven shall be duly executed and delivered to the city.

PITTSBURGH, CINCINNATI AND ST. LOUIS RAILWAY COMPANY.

- SECTION.
1. Authority given to the Chicago and Great Eastern R. to lay track on Kinzie street.
 2. Also on other streets.
 3. And on Carroll street.
 4. And within other limits.
 5. With right to use steam power.
 6. The grant being subject to ordinances.
 7. Streets to be improved by company.
 8. City to be indemnified.
 9. Pittsburgh, Cin. & St. L. R. Co. authorized to use sidewalk on Carroll street.

- SECTION.
10. Columbus, Chicago and Indiana Central Railway company empowered to lay tracks in city.
 11. Right to use steam power.
 12. Company to construct viaducts.
 13. Conditions of the use of Depot place.
 14. The grant subject to city ordinances.
 15. Indemnity to the city.
 16. Further conditions of the grant.
 17. Conditions as to side tracks, connections, etc.
 18. Bridge to be built - Use of tracks by other roads.

An ordinance concerning the Chicago and Great Eastern Railway Company.

[Passed October 8, 1866.]

Be it ordained by the Common Council of the city of Chicago :

1. AUTHORITY TO LAY TRACKS ON KINZIE STREET.] SECTION 1. That permission and authority be, and is hereby, given to the Chicago and Great Eastern Railway Company, and its successors, to put down, construct and maintain a railroad with a single track, and with the necessary switches and turn-outs in that part of Kinzie street on the south side of said street, and as near as may be to the south track of the Chicago and Northwestern Railway, in the city of Chicago, from Western avenue eastward to a point on said Kinzie street between North Morgan and North Sangamon streets; subject, however, to the direction of the board of public works in the laying of the same, with the right to cross intervening streets between those limits. The permission and authority herein granted are upon the express condition that said railroad company, before laying down their track on said Kinzie street, between North Morgan and North Ada streets, shall, at its own expense, construct a sewer on said Kinzie street, from North Ada street eastward so far as said company may lay down their track, large enough to carry off all the accumulations of water, and forever keep and maintain the same in good order; such sewer to be made under the direction and supervision of the board of public works.

2. FURTHER RIGHT TO MAINTAIN RAILWAY.] SEC. 2. Said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks with such turn-outs, switches and turn-tables, as they may deem necessary, on any ground which said company now owns or may hereafter acquire by purchase, donation, condemnation, or otherwise, between Kinzie and Carroll, and between Morgan and Halsted streets, and also to lay down, maintain and operate any such track or tracks, turn-outs and switches across any street or streets and alleys within the district aforesaid: *Provided*, that convenient crossings shall be made and maintained by said company where such track or tracks cross any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossings.

3. RIGHT ON CARROLL STREET.] SEC. 3. That said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks, together with all such turn-outs and switches as may be deemed necessary on Carroll street, in the city of Chicago, from Halsted street eastward to the Chicago river, with the right to cross said Halsted street, and all intervening streets between those limits; said track or tracks to be laid under the direction and supervision of the board of public works, and that but one track shall be laid on said street, with the permission of the common council.

4. OTHER LIMITS IN WHICH TO LAY TRACK.] SEC. 4. Said company is also hereby authorized to lay down, maintain and operate one or more railroad tracks with such turn-outs, switches and turn-tables as they may deem necessary, on any ground which said company now owns, or may hereafter acquire by purchase, donation, condemnation or otherwise, between North Halsted street and the Chicago river, and between Carroll and Fulton streets; and also to lay down, maintain and operate any such track or tracks, turn-outs and switches, across any street or streets and alleys within the district aforesaid, and also all such as may be necessary to the convenient use of any depot grounds said company may now own, or hereafter acquire in the vicinity of or adjoining said line of road, and to form connections with other roads, and also to acquire and use such depot grounds, and to erect thereon such buildings as said company may deem necessary for the convenient transaction of its business: *Provided*, that convenient crossings shall be made and maintained by said company, where such track or tracks cross any such street or alley, and proper warning tables shall be erected in conspicuous places at or near such crossing.

5. STEAM POWER MAY BE USED.] SEC. 5. Said company and its successors are hereby authorized to operate all the railroad tracks aforesaid with steam or such other motive power as said company shall deem best.

6. GRANT SUBJECT TO ORDINANCE.] SEC. 6. That the privileges hereby granted shall be enjoyed, subject to all general ordinances that now are, or may hereafter be, in force concerning railroads in said city of Chicago.

7. IMPROVEMENT OF STREETS PROVIDED FOR.] SEC. 7. It shall be the duty of the board of public works, whenever so ordered by the common council, or whenever they deem the same necessary, to furnish said company with

ide established, or to be established, on said Carroll street, or that portion of said street occupied by said company; and when ordered by the council, or board of public works, said company shall curb and raise the surface of said street, between North Halsted street and the river, to grade; and lay an average depth of at least one foot and a half of gravel or macadam, and shall lay their tracks, switches and turn-outs, in such manner that a good roadway shall be maintained for the use of the public, and shall at all times keep the said roadway in good repair, said improvement to be done under the direction of the board of public works; a failure on the part of the company to comply with the condition of this section shall work a forfeiture of the right made under this ordinance: *Provided, however*, if the said company shall refuse or neglect to comply with the provisions of this section, or shall refuse or neglect to make such new improvements, when recommended by the board of public works or ordered by the common council, within a reasonable time to be fixed by order of the council, then the work may be done by the city, and the cost thereof assessed by the board of public works on said company, and collected as other assessments or taxes from any real or personal property of said company, or recover by action against said company. But if the board of public works should deem it inexpedient that said new improvements should be made by said company, then the same shall be done by the city, in other cases, and the cost thereof assessed upon and collected of said company in manner as aforesaid or recovered by suit. And if the said company shall refuse or neglect to make any necessary repairs as aforesaid, or the work required by any ordinance heretofore passed, after twenty days' notice given by the board of public works, the city may make the improvements and collect the cost thereof by suit at law in any court of competent jurisdiction.

[INDEMNITY TO CITY—CONDITION OF GRANT.] SEC. 8. The permission herein granted is upon the express condition that said railway company shall keep and keep the city harmless from all damages, costs, expenses, and losses arising out of the occupation or use of said streets and alleys by said company.

inance to allow the Pittsburgh, Cincinnati and St. Louis Railway Company to occupy sidewalk on Carroll street.

[Passed August 16, 1869.]

Ordained by the Common Council of the city of Chicago:

[CONDITIONAL GRANT OF USE OF SIDEWALK.] SECTION 1. That as soon as the Pittsburgh, Cincinnati and St. Louis Railway Company has laid with three-inch oak plank the whole width of that portion of Carroll street between Union and Halsted streets, at their own expense, and under the direction of the board of public works, then they shall be permitted to use the sidewalk in front of their depot on the north side of said Carroll street between Union and Halsted streets, for the purpose of loading and unloading goods, for the term of five years.

An ordinance concerning the Columbus, Chicago and Indiana Central Railway.

[Passed April 1, 1872.]

Be it ordained by the Common Council of the city of Chicago:

10. COLUMBUS, CHI. AND IND. CENT. R. CO. MAY LAY TRACK.] SECTION 1. That permission and authority be, and are hereby, given to the Columbus, Chicago and Indiana Central Railway Company, and to its successors, to put down, construct and maintain a railroad with a single or double track, and all necessary switches and turn-outs, in that part of Rockwell street, in the city of Chicago, to-wit: From the intersection of said Rockwell street with the Chicago and Northwestern Railway to the northern terminus of said Rockwell street south of Kinzie street, thence from the northern terminus of said Rockwell street parallel with the track of the Chicago and Northwestern Railway Company, as now laid, to a point where the same will intersect Kinzie street, but at no greater distance from the track of the Northwestern Railway Company than is hereby authorized at Rockwell street, and also upon Kinzie street, from Western avenue to Halsted street, and also upon Depot place, from Ashland avenue to Ada street, such track or tracks to be laid on the west half of said Rockwell street, and as near as practicable to the east line of the present right of way of the Chicago and Northwestern railway, and said track or tracks on Kinzie street to be laid as near as practicable to the south track of said Chicago and Northwestern Railway Company, and said track or tracks to be laid on the north side of said Depot place, and with the wall hereinafter mentioned to occupy no more than thirty feet on the north side of Depot place, and said tracks, switches and turn-outs shall occupy no more than thirty feet of any of said streets. And the right and privilege is hereby granted to said Columbus, Chicago and Indiana Central Railway Company to cross all intervening streets and alleys between the points above designated, subject, however, to the direction of the board of public works of said city in the construction of said tracks, and the paving and keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railway company with its tracks, switches and turn-outs: *Provided, however, that said railway company is hereby required to sink its tracks along Rockwell street below the natural surface at least four feet, wherever there is no impediment in the way of such depression.*

11. MAY USE STEAM POWER.] SEC. 2. Said Columbus, Chicago and Indiana Central Railway Company, and its successors, are hereby authorized to run their cars over and along said tracks with steam, or such other motive power as said company may deem best, subject, however, to all general ordinances of the city of Chicago as to railroad companies similarly situated.

12. VIADUCTS TO BE BUILT.] SEC. 3. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within the limits of said city, according to the directions of the board of public works of said city. The permission and authority herein granted are upon the express condition that the said Columbus, Chicago and Indiana Central Railway Company shall erect and maintain viaducts over its said tracks at Halsted, Sangamon, Lake and Madison streets, within one

year from the passage of this ordinance, and shall annually thereafter erect two viaducts in each year over its said tracks, and the board of public works shall, in each year, on or before the first day of January, designate the streets over which such viaducts, and approaches to said viaducts, shall be constructed and maintained, the same to be built in such manner as the said board of public works shall direct: *Provided, however,* that the said viaduct or viaducts shall have approaches thereto on either side thereof with the proper area on either side of said approaches; said approaches to have an elevation of not more than one foot to every forty feet in length thereof, and that said approaches to said viaducts shall likewise be erected and built by and at the expense of said railroad company. *And provided, however,* that where any such viaduct cannot be built at any such crossing without the same be built over the track or tracks of some other railroad company or companies, then said company shall only be obliged to join with such other last mentioned railroad company or companies in the construction and maintenance of such viaduct, and to pay its fair proportion of the cost of such viaduct or viaducts, and if such other railroad company or companies shall not join in the erection of any such viaduct, then, if the proportion of such other company or companies shall be otherwise provided, the said Columbus, Chicago and Indiana Central Railway Company shall pay its fair proportion of the cost of any such viaduct.

13. WHEN TO USE DEPOT PLACE.] SEC. 4. Said railway company shall have no right to lay or use any track on Depot place until it shall have first erected a brick or stone wall ten (10) feet in height and twelve inches in thickness, south of their proposed tracks along Depot place, from the east line of Ashland avenue to the west line of Ada street (the south line of said wall to be not more than thirty feet south of the north line of Depot place), said wall to be so built under the direction of said board of public works, and be kept by said company in good repair during its occupancy of said Depot place.

14. THE GRANT SUBJECT TO ORDINANCES.] SEC. 5. The privileges hereby granted shall be subject to all general ordinances that are now or may hereafter be in force concerning railroads in the city of Chicago.

15. CITY TO BE SAVED HARMLESS.] SEC. 6. The permission and authority hereby granted are upon the further express condition that the said Columbus, Chicago and Indiana Central Railroad Company shall and will forever indemnify and save harmless the city of Chicago against any and all damages, judgments, decrees and costs and expenses of same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from, the passage of this ordinance, or any matter or thing connected therewith, or with the exercise by said company of the privileges hereby granted.

16. OTHER CONDITIONS OF THE GRANT.] SEC. 7. The permission and authority herein granted are upon the further express condition that said railroad company shall, and will within three years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdic-

tion, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks, or any part thereof; and that having so commenced such proceedings, said railroad company shall prosecute the same in good faith, without unreasonable delay, to completion: *Provided*, that this section shall not apply to any property or possessions the owner of or party interested in which shall not have claimed such compensation within said three years.

17. CONDITIONS AS TO SIDE TRACKS, CONNECTIONS, ETC.] SEC. 8. The permission and authority herein granted are upon the further express condition, to wit: That said Columbus, Chicago and Indiana Central Railroad Company shall permit any corporation, person or persons duly authorized by ordinance of said city to construct side tracks to intersect any track or tracks of said railroad company within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and, upon reasonable compensation being made therefor, shall, at all times, permit the owners or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory, situated upon any such side track; and that such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard, or manufactory shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard, or manufactory, over any such side track, to and upon the track of said railroad, under the directions and regulations of said Columbus, Chicago and Indiana Central Railroad Company, without unreasonable delay: *Provided, however*, that any cars so taken shall be returned without any unnecessary delay.

18. BRIDGE TO BE BUILT—USE OF TRACKS BY OTHER ROADS.] SEC. 9. The permission and authority hereby granted are in consideration of and upon the further express condition that said Columbus, Chicago and Indiana Central Railway Company shall, as soon as work thereon can be commenced, and without unnecessary delay, construct and forever maintain a swing or draw bridge across the west branch of the south branch of the Chicago river, at the point or place where the track of said company crosses said stream, in said city of Chicago; such bridge or draw to be of sufficient length to admit the free passage of all boats and vessels navigating said stream; said bridge to be built in accordance with the direction of the board of public works of said city; and said permission and authority are granted upon the further express condition, that said Columbus, Chicago and Indiana Central Railway Company shall permit and allow the Chicago, Danville and Vincennes Railroad Company and the Milwaukee and St. Paul Railroad Company (or, in the event that said Chicago, Danville and Vincennes Railroad Company, or said Milwaukee and St. Paul Railroad Company shall not accept of the privileges hereby granted, then any other railroad company in the place of the company that shall so decline to accept), to use the said tracks hereby authorized to be laid, and also those authorized to be laid by

an ordinance of the common council of the city of Chicago, passed October 8, 1866, entitled "An ordinance concerning the Chicago and Great Eastern Railway Company," jointly with said Columbus, Chicago and Indiana Central Railway Company, and to lay tracks upon and across any lands owned, leased or occupied by said Columbus, Chicago and Indiana Central Railway Company necessary to the enjoyment of the privileges hereby granted, upon such fair and equitable terms as may be agreed upon by said companies, and in the event that the said companies cannot agree upon such terms the same shall be settled and determined by three disinterested persons, one to be selected by said Columbus, Chicago and Indiana Central Railway Company, one to be named by such other company as may desire to use said tracks, and the third to be selected by the said two persons, and the terms and conditions which shall be fixed and determined by said persons so selected, or by a majority of said persons, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks and lay tracks upon and across any of the said lands; and said railroad companies, the Chicago, Danville and Vincennes Railroad Company, and the Milwaukee and St. Paul Railroad Company, or such other railroad company or companies that may be allowed the use of said tracks in the place of the said last-named companies, or either of them, shall have the same privilege to run cars upon and across said streets and alleys as are herein given to the said Columbus, Chicago and Indiana Central Railway Company, and shall be subject to all the terms, conditions and restriction of this ordinance.

PITTSBURGH, FORT WAYNE AND CHICAGO RAILROAD COMPANY.

SECTION.

1. Authority to Fort Wayne and Chicago R. Co. to lay track on a street west of Clark street.
2. Conditions of the grant applying to limits of the company's lands.
3. Steam power allowed, subject to conditions of ordinances.
4. Construction of a bridge or tunnel by company authorized—Navigation not to be impeded.
5. Franchise to use horse cars in certain limits, upon conditions.
6. Bond to be given to the city.
7. P., Ft. W. and Chi. R. Co. allowed to enter city upon conditions.
8. P., Ft. W. and Chi. R. Co. and other companies authorized to lay tracks.
9. And conditionally upon West Water and Canal streets.
10. Also to build tunnels and raise grades—City to be held harmless.
11. Other companies allowed to enjoy franchise.
12. Construction of a depot provided for.
13. Steam power allowed conditionally.
14. City to be indemnified.
15. Grant subject to ordinances.
16. Conditions upon which ordinance shall take effect.
17. Ordinance extending time for Chi., St. Paul and Fond du Lac R. Co. to file bond.
18. P., Ft. W. and Chi. R. Co. may lay temporary track on Canal street.
19. To keep line of track in repair.
20. Ordinance subject to prior ordinance.

SECTION.

21. Permission to lay temporary track on Canal street.
22. Company keep street in repair.
23. Ordinance subject to prior ordinance.
24. Indemnification to lot owners.
25. When track to be completed.
26. Repeals ordinance of November 22, 1858.
27. Temporary tracks authorized on Lake, Randolph and Madison streets.
28. Flagmen at crossings.
29. Work of company to be diligently prosecuted.
30. Track to be removed, when—Proviso.
31. Mode of use of track prescribed.
32. Conditions upon which ordinance in force.
33. Grades of streets at tunnels established.
34. Railroad companies may cross Van Buren street on present grade—Conditions.
35. Preamble of ordinance—Reasons for vacating part of Monroe street.
36. Part of Monroe street vacated.
37. City's interest to be conveyed.
38. Reversionary interest of city.
39. Permission to lay tracks in Lumber street—Conditions.
40. Right, how forfeited.
41. Bond to be given to city.
42. Preamble of ordinance allowing tracks in Stewart avenue.
43. Tracks allowed.
44. Under limitations of former ordinance.
45. Grant subject to ordinances.
46. Company's duty in relation to repair, etc., of street.

An ordinance in relation to the Fort Wayne and Chicago Railroad Company.

[Passed February 13, 1854.]

Be it ordained by the Common Council of the city of Chicago :

1. AUTHORITY TO LAY TRACK IN STREET WEST OF CLARK STREET.]

SECTION 1. That permission and authority be, and is hereby, given to the Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a single railroad track in any one street in the city Chicago west of the west line of Clark street, from the southern boundary of said city as far north as the south line of North street, and all such turn-outs, switches and turn-tables as shall be deemed necessary.

2. ALSO CONDITIONAL AUTHORITY TO USE OTHER LANDS—SUBJECT TO ORDINANCES.] SEC. 2. Said company may and shall have the power to lay down, maintain and operate one or more railroad tracks, with such turn-outs and switches as they shall deem necessary, on any ground which they may acquire by purchase, donation or otherwise, within the district and boundaries aforesaid, and also from the north line of the district and boundary aforesaid as far north as the south line of Van Buren street, and west of the west line of Clark street, and to lay down, and maintain and operate any such track or tracks, and turn-outs, across any street or streets, or alleys, within the districts aforesaid, and also to acquire as aforesaid, and use all depot grounds, and to erect all depot buildings necessary to accomodate the business of said company: *Provided*, that convenient crossings shall be made and maintained by said company where such track or tracks cross any such street or alleys, and proper warning tables shall be erected in conspicuous places at or near such crossings. Said company shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within said city.

3. STEAM POWER ALLOWED SUBJECT TO ACTION OF COUNCIL.] SEC. 3. Said company may use and operate said railroad tracks, within the districts aforesaid, with locomotive engines and cars, under such rules and regulations with reference to the speed, motive power and manner of running the same as the common council of said city may, from time to time, impose and make.

4. COMPANY MAY CONSTRUCT BRIDGE OR TUNNEL, BUT NOT IMPEDE NAVIGATION.] SEC. 4. Said company may construct, maintain and use a railroad draw-bridge across the south branch of the Chicago river, or a tunnel under the same, at any point south of the south line of Twelfth street in said city: *Provided*, said bridge or tunnel shall be so constructed as not materially to interrupt or impede the navigation of the south branch of the Chicago river; and the said company may join any other railroad company in the erection and use of said bridge or tunnel, heretofore authorized or which may be hereafter authorized to construct a bridge across the said south branch, and said companies thus uniting may jointly use each other's track or tracks, bridge and depots, and form mutual connection within said city upon such terms as may be agreed upon by the parties interested.

5. MAY OPERATE HORSE CARS UPON CONDITIONS.] SEC. 5. And said company shall have the power to construct and maintain a single railroad track, and operate the same with horse power only, in any one street of said

city, or may lay down and use one or more tracks on grounds which may be acquired by said company by purchase, donation or otherwise, within the following limits, viz: West of the east line of Canal street, and between the south line of Harrison street and the north line of Kinzie street, and to cross any and all intervening streets and alleys in the track and course thereof: *Provided*, said company shall plank the carriage-way of the street so occupied, in and on each side of said track, so as to render the same convenient for the passage of teams and travel: *And provided, also*, that said railroad company shall get the consent of a majority in interest of the property holders on said street so occupied, before they proceed to lay down and operate said horse tracks.

6. INDEMNITY TO THE CITY.] SEC. 6. This ordinance shall not take effect until the said company shall have entered into a bond with the city of Chicago, conditioned for the payment of all damages for which the said city may become liable to any person or persons by reason of the said road entering said city, or by reason of said company constructing, laying down, using or occupying said railroad track or tracks within said city; and conditioned also for the payment of all damages which may arise to the said city of Chicago, and to any person or persons whomsoever, by reason of said company constructing, laying down, maintaining, using and occupying said railroad track or tracks within said city of Chicago.

An ordinance amendatory of an ordinance passed February 13, 1854, concerning the Fort Wayne and Chicago Railroad Company, now the Pittsburgh, Fort Wayne and Chicago Railroad Company.

[Passed November 17, 1856.]

Be it ordained by the Common Council of the city of Chicago:

7. AUTHORITY TO P., FT. W. AND CHI. R. CO. TO LAY TRACKS IN CITY.] SECTION 1. That permission and authority be, and is hereby, given the Pittsburgh, Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a railroad track or tracks, with necessary switches, turnouts and side tracks in the street in the city of Chicago, running north and south on the center line of section twenty-one, in township thirty-nine north, of range fourteen east of third principal meridian, from the south line of North Street to the north line of Twelfth street, and thence in Beach street to Harrison street: *Provided*, said railroad company shall enter into bonds with the City of Chicago, to be filed in the clerk's office of said city, conditioned that said railroad company will afford facilities to the owners of property on said streets running north and south, for doing business on said railroad, by putting in side tracks necessary for that purpose, and operate the said track so as to carry the cars of said railroad company, and of all other connecting railroads, on fair and reasonable terms, to and from said property, and also to hold and save harmless the said city of Chicago from all damages in consequence of this act: *And provided, also*, that nothing herein granted shall prevent the common council of the city of Chicago authorizing the construction of a slip or slips across said streets: *And provided, further*, that the privileges hereby granted, shall be enjoyed subject to all general ordinances

that now are or hereafter may be in force concerning railroads in said city: *Provided*, the tracks of said road shall be so laid as to interfere as little as possible with the usefulness of said streets, as road or carriage-ways, by grading, filling, and planking or macadamizing them in such way as to allow free passage for carriages across and alongside its tracks, and in such manner as the common council shall direct, and also by changing the grade of said streets at any time it may be ordered by the common council, and that they will comply with all the restrictions imposed by the ordinance to which this is an amendment.

An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago and the Chicago, St. Paul and Fond du Lac Railroad Companies, and such other railroad companies as may unite with them.

[Passed August 16, 1858.]

Be it ordained by the Common Council of the city of Chicago:

8. RIGHT IN P., FT. W. AND OTHER COMPANIES TO LAY TRACKS.] SECTION 1. That permission is hereby granted to the Pittsburg, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac Railroad Companies, and all other railroad companies that may unite with them, to lay down, construct, maintain and operate a single or double railroad track, with all the necessary switches, side tracks, turn-outs and turn-tables, across and upon any grounds that they may acquire or obtain the use of, between Van Buren and Kinzie streets, and the south and north branches of the Chicago river and Canal street.

9. RIGHTS GRANTED ON WATER AND CANAL STREETS.] SEC. 2. Like permission and authority are hereby granted to said companies, or either of them, to use for the purposes and in the manner mentioned in the foregoing section, West Water street, in the city of Chicago, and that portion of Canal street which is between the south line of Fulton and the north line of Kinzie streets, and also use for such purposes the alleys through blocks numbered twenty-two (22), twenty-nine (29), and forty-four (44), of the original town of Chicago: *Provided*, said companies shall improve and maintain the public highways so used by them, as may, from time to time, be ordered by the common council.

10. AUTHORITY TO CONSTRUCT TUNNELS—INDEMNITY TO CITY.] SECTION 3. The said companies shall have full power and authority to cross streets and alleys that may intersect the route of the tracks granted by the preceding section. The tracks of said roads, at their intersection with streets that are now or hereafter may be bridged to cross either branch of the river, shall be carried under the streets in tunnels, so constructed as to protect the public from accidents or injuries. And if, for these purposes, it is necessary to raise the grade of such streets, or of the approaches to the bridges, the same shall be done by and at the expense of said railroad companies, and under the direction and to the satisfaction of the city superintendent of public works, or such other person or committee as the common council may direct or appoint to superintend such work, and said companies shall pay and shall hold the city harmless from all damages arising from

g of grades and filling and tunneling of approaches ; and at the s of said track with the unbridged streets, where no tunnels are he said railroad companies shall construct and maintain such to obstruct the ordinary travel as little as possible.

RIGHT OF OTHER COMPANIES TO ENJOY FRANCHISE.] SEC. 4. nies may associate with themselves, in the construction and use of , any and all railroad corporations; and any corporations so asso- possess all the powers herein granted to the said Pittsburgh, Fort Chicago, and the Chicago, St. Paul and Fond du Lac railroad and said latter companies shall allow and permit the use of the ructed under this ordinance by any other railroad corporations erms and conditions as shall be fair and equitable, to be deter- ase of disagreement between the companies, by two disinterested ent civil engineers, one to be selected by each party, and in case greement, a third shall be appointed by the judge of the Cook t of common pleas ; and the award and decision of said referees al, conclusive and binding upon the parties.

MISSION TO CONSTRUCT DEPOT.] SEC. 5. Said companies may onstruct, maintain and use, at any place or places between Lake aren streets, all such depots, freight houses and station buildings ess of said companies, or of any and all companies that may use may require. And in case the depot shall be of such length, and s to extend over and require the use of grounds upon two adjoin- blocks, said companies may use the street between said lots or hat purpose : *Provided*, such street is not used as a public thor- crossing the river, and is legally vacated for the purpose.

AM POWER MAY BE USED—FUEL—SPEED.] SEC. 6. Said nay use and operate said railroad tracks, within the district afore- such rules and regulations with reference to speed, motive power of running the same, as the common council may, from time to e and make ; and if steam power locomotives be used, said com- use only coke or coal for fuel for the same, and the speed shall five miles per hour.

EMNITY TO THE CITY.] SEC. 7. The permission and authority ted to said railroad companies are upon the express condition all each and all of them indemnify the city for any and all dam- ense to which it may be subjected by reason of the using and f any of the streets and alleys and grounds, in the district y said companies, or either of them.

ANT SUBJECT TO ORDINANCES.] SEC. 8. All powers and priv- granted are subject to the ordinance entitled " An ordinance al to all ordinances concerning railroads," as the same is found nicipal Laws," chapter 49, pp. 363, 364 and 365.*

DITION OF ORDINANCE TAKING EFFECT.] SEC. 9. This ordi- not take effect or be in force unless the said Pittsburgh, Fort

Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, shall, within ninety days of the passage hereof, file, with the comptroller, contracts in legal form binding their respective companies to fulfill the same so far as any of its provisions apply to them, and also shall file, as above, the bonds of their respective companies, satisfactory in form and amount to the mayor and comptroller, to secure the fulfillment of said contract; nor shall any other railroad companies be entitled to participate in the rights and privileges herein granted, or any of them, until they respectively shall execute and file contracts and bonds in accordance with this section.

An ordinance in relation to the Chicago, St. Paul and Fond du Lac Railroad Company.

[Passed November 8, 1858.]

Be it ordained by the Common Council of the city of Chicago :

17. TIME GRANTED TO CHI., ST. PAUL AND FOND DU LAC R. CO. TO FILE BOND.] SECTION 1. That section nine of an ordinance passed August 16th, 1858, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," be so far amended as to grant to said Chicago, St. Paul and Fond du Lac Railroad Company thirty days additional to the ninety days therein specified, in which to file the "contract" and the "bond" of said company, as required by said section number nine.

An ordinance permitting the laying down of a temporary railroad track in a portion of Canal street.

[Passed November 22, 1858.]

Be it ordained by the Common Council of the city of Chicago :

18. P., FT. W. AND CHI. R. CO. MAY LAY TEMPORARY TRACK.] SECTION 1. That permission is hereby granted to the Pittsburgh, Fort Wayne and Chicago Railroad Company, and such other railroad companies as may unite with them, to lay down and to use one railway track from the south line of Van Buren street northwesterly across said street: thence along the west side of Canal street to the south line of Madison street; thence northeasterly across Madison street; thence along the east side of Canal street to the south line of Randolph street. Said track to be used only in the conveyance of passengers and their ordinary baggage, and not for freighting purposes. Also to be used only until said company can perfect a right of way and construct their track on the locality now selected and recorded for their permanent track, and not, in any event, to be used or to remain in said streets for a term longer than one year from the passage hereof, unless two-thirds in frontage feet of property owners owning lots abutting said section of Canal street, shall consent in writing to a longer continuance of said track in said street.

19. COMPANY TO KEEP CANAL STREET IN REPAIR.] SEC. 2. The permission and authority herein granted, are upon the express condition that said railroad company shall, at their own expense, during their occupancy of

portion of the same hereunder, put and maintain Canal street, from the north line of Van Buren street to the south line of Randolph street, in such condition and repair as the common council and city superintendent of public works, or either of them, shall require, and within ten days after the expiration of said time, shall remove said track from said streets, and leave said streets in condition satisfactory to the city superintendent of public works.

20. ORDINANCE QUALIFIED BY PRIOR ORDINANCE.] SEC. 3. Sections four (4), six (6), seven (7), eight (8) and nine (9) of the ordinance passed August sixteenth, eighteen hundred and fifty-eight, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," so far as the same are applicable, shall apply to, qualify and control the privileges and authority herein granted, and the action of all officers and parties hereunder.

An ordinance permitting the laying down of a temporary railroad track in a portion of Canal street.

[Passed February 28, 1859.]

It is ordained by the Common Council of the city of Chicago:

21. PERMISSION TO P., FT. W. AND CHI. R. CO. TO LAY TRACK ON CANAL STREET.] SECTION 1. That permission is hereby granted, on the conditions herein expressed, to the Pittsburgh, Fort Wayne and Chicago Railroad Company, and such other railroad companies as may unite with them, to lay down and to use, for two years from May 1st, 1859, one railroad track along the east side of Canal street, from the south line of Van Buren street to the south line of Randolph street, said track to be used only in the conveyance of passengers and their ordinary baggage, and not for freighting purposes, except that, on an average, one freight train per day from north to south, and the same from south to north, may pass over the said track, the same to move not less than two nor more than five miles per hour, and not to stop at any point on the way.

22. COMPANY TO KEEP CANAL STREET IN REPAIR.] SEC. 2. In consideration of the privileges herein granted, and as an express condition of the right to use and enjoy them, the said railroad companies shall, at any time when so ordered by the common council, or by any person or persons acting under their authority, supply gravel filling one foot deep the whole width of the roadway of Canal street from Van Buren street to Randolph street, and shall, during the full time of their using the privileges herein granted, keep in repair, to the satisfaction of the council or any person or persons acting under their authority, the portion of Canal street so to be filled by them, and the said companies shall lay down and maintain said track and approaches on its sides in such way that it may be conveniently crossed at all points.

23. ORDINANCE CONTROLLED BY PRIOR ORDINANCE.] SEC. 3. Sections four (4), six (6), seven (7), eight (8) and nine (9) of the ordinance passed August sixteenth, eighteen hundred and fifty-eight, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies,

and such other railroad companies as may unite with them," so far as the same are applicable, shall apply to, qualify and control the privileges and authority herein granted, and the action of all officers and parties hereunder.

24. BONDS TO LOT OWNERS.] SEC. 4. In addition to the contracts and bonds required under section nine (9) of said ordinance of August sixteenth, eighteen hundred and fifty-eight, the Pittsburgh, Fort Wayne and Chicago Railroad Company, or any other railroad company taking action hereunder, which shall lay down the said temporary railroad track in a portion of Canal street, as herein provided, shall, within sixty days of the passage hereof, and before proceeding so to lay down said track, file with Robert H. Foss, Joshua L. Marsh and Eber J. Chapin, of Chicago, as trustees for the persons owning lots or lands fronting on the portion of Canal street, between Van Buren street and Randolph street, the bonds of said railroad company in the penal sum of five hundred thousand dollars, conditioned that said railroad tracks shall be taken up, and said roadway restored to good passable condition, on or before the first day of May, eighteen hundred and sixty-one, and that in case said railroad tracks be not so taken up from said portion of Canal street, and the street so restored to good passable condition at or before the time specified, to-wit: on the first day of May, eighteen hundred and sixty-one, then in that case said bonds shall become due and payable in their full amount to said trustees as aforesaid, as liquidated damages for the indemnification of said owners of lots proportionate to the frontage feet of property belonging to them respectively on the part of Canal street so to be occupied.

25. TRACK, WHEN TO BE LAID.] SEC. 5. The privileges herein granted are on the express condition that said temporary railroad track in Canal street, from Van Buren street to Randolph street, shall be laid down on or before the fifteenth day of May next.

26. ORDINANCE OF NOVEMBER 22, 1858, REPEALED.] SEC. 6. The ordinance passed November twenty-second, eighteen hundred and fifty-eight, entitled "An ordinance permitting the laying down of a temporary railroad track in a portion of Canal street," is hereby repealed.

An ordinance to amend an ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them."

[Passed August 18, 1860.]

Be it ordained by the Common Council of the city of Chicago :

27. TEMPORARY TRACKS ON LAKE, RANDOLPH AND MADISON STREETS.] SECTION 1. That the ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," be, and the same is hereby, so modified as to permit a temporary track to be laid and used over Lake, Randolph and Madison streets, for the period of one year from the time when they shall first use said temporary track, or any part thereof, for the transportation of freight and passengers over either Lake,

Randolph or Madison streets; said track to be laid in the alley in crossing blocks twenty-two, twenty-nine and forty-four, old town of Chicago. Whenever the permanent track and tunnels shall have been made the right to use the said temporary track shall cease, although the twelve months shall not have expired: *Provided*, that if the said companies, or either of them, shall be enjoined by the order or injunction of any court of competent jurisdiction from proceeding with the making of any or either of said last mentioned tunnels, or the laying of said temporary track, the time during which they are so enjoined shall be added to the time above limited for continuing the use of said temporary track and completing said tunnels; but in no event shall said railroad companies, or either of them, be permitted to have the use of said temporary track over either Madison, Lake or Randolph streets for a longer period than three years from the passage of this ordinance, except as provided for in the fourth section hereof.

28. FLAGMEN AT CROSSINGS.] SEC. 2. The said companies shall station and keep a flagman upon every street crossed by the track aforesaid, and at the junction of Canal and West Water streets, whenever a train or locomotive shall be crossing any of said several streets on said track.

29. DEPOT, ETC., WHEN TO BE BUILT—DILIGENCE REQUIRED.] SEC. 3. The said Pittsburgh, Fort Wayne and Chicago Railroad Company shall commence and complete the location of its depot grounds, between Madison and Adams streets in the west division, as soon after the passage of this ordinance as it legally can, and at all events within six months after the passage of this ordinance. And the aforesaid railroad companies shall, immediately upon the passage hereof, begin and persistently follow the making of the permanent connection in and by said original ordinance contemplated, and the making and finishing of the several tunnels under Lake, Randolph and Madison streets, in the manner in said ordinance specified; of which said tunnels they shall finish that under Madison street in four months, under Lake street in eight months, and under Randolph street in ten months from the passage hereof. In the event of an injunction being obtained against proceeding with the permanent track or the tunnels, or either of them, the said railroad companies shall press for a hearing and dissolution as soon as possible, and the citizens of the west division may employ counsel to aid the counsel of said railroad companies in the same, and said railroad companies shall comply with all lawful orders of the court in the premises, and fairly and fully insist upon their right to make such track and tunnels.

30. TRACK TO BE REMOVED WHEN—PROVISO.] SEC. 4. At the expiration of the time as in the first section of this ordinance provided, all right to have, continue or use the said temporary track, by any or either of the railroad companies above mentioned or referred to, shall utterly cease and determine; and the said railroad companies, and each and every one of them, shall, and by the acceptance of this ordinance and in consideration of the privileges hereby granted, expressly will and do jointly and severally covenant and agree to and with S. S. Hayes, David J. Lake, John C. Haines, N. Holden and William W. Farwell, and the survivors of them, severally and not jointly, as trustees of the rights and interests of the present

owners, their grantees or assigns, of property situate in the west division of Chicago, without the power in said trustees of releasing or acquitting the said railroad companies, or either of them, therefrom, that the said temporary track or appurtenances shall not be continued beyond the period aforesaid, nor shall said railroad companies, or any of them, or any one for them, apply to the common council to extend the said term of such continuance thereof, or accept, or in any manner receive, any extension or renewal of the said term, except upon the petition hereinafter mentioned; and any act, attempt, or authority from any source whatever, except as hereinafter provided, purporting to authorize the continuance of the said track across the said streets above mentioned, or either of them, beyond the said period, shall be absolutely null and void as to the said trustees and each of the property owners and inhabitants of said west division; and the said trustees, their agents or servants, or any inhabitant of said west division, may, if said track be continued across either of said streets beyond the period aforesaid, enter upon, tear up and remove the portion of said track crossing said street or streets, as aforesaid, and be forever discharged and acquitted from any action by, or liability to, said railroad companies, or their assigns, or any or either of them, for so doing: *Provided, however*, that upon the presentation of the petition in writing of the owners of two-thirds, in lineal measurement, of the property fronting either of said streets crossed by such temporary track, counting from the river or branch thereof which said street crosses west to the city limits, at least one month prior to the expiration of said year, the common council may, in its discretion, extend the use of said temporary track on such street for a longer period: *Provided, also*, that such petition shall designate the length of time for which such extension or use is sought to be granted.

31. MODE OF USE OF TEMPORARY TRACK.] SEC. 5. The said temporary track is to be used by the said railroad companies, as aforesaid, with the utmost care and caution, and every locomotive in coming in from the north shall come to a full stop near to, and before, crossing Kinzie street, and in coming in from the south in like manner, before crossing Van Buren street. The rate of speed on such temporary track shall be subject to the control and regulation of the common council, and shall in no place thereon exceed the rate of five miles per hour; trains shall not be made up on said temporary track, and all locomotives used thereon shall use coke or coal for fuel, and a clear violation of any of the provisions of this ordinance, by any of the railroad companies aforesaid, shall render the same absolutely null and void, and all the rights herein and hereby granted shall thereupon cease and determine: *Provided*, there shall be no switch or switches located at the crossing of any street or alley.

32. CONDITION OF ORDINANCE TAKING EFFECT.] SEC. 6. This ordinance shall not take effect, nor shall either of the railroad companies aforesaid commence the construction or use of said temporary track, or any part thereof, until the Pittsburgh, Fort Wayne and Chicago, and the Chicago and Northwestern railway companies, shall have first, respectively, in writing, under seal and in due form, bound themselves to the acceptance and performance of this ordinance, and filed such written acceptance with the comptroller

the city of Chicago, and made and delivered a duplicate of the same, personally, to either William W. Farwell or David J. Lake aforesaid, for the said trustees above mentioned. Nor shall this ordinance take effect as to any other railroad company proposing to construct or use such track, until such company shall have first filed and served the obligation in this section required.

33. GRADE AT TUNNELS ESTABLISHED.] SEC. 7. The grade of said streets at the several points at which the tunnels shall be located, are hereby fixed at twenty-two feet above low water mark in the Chicago river.

An ordinance to amend an ordinance, passed August 16, 1858, entitled, "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them."

[Passed August 18, 1860.]

be it ordained by the Common Council of the city of Chicago :

34. MAY CROSS VAN BUREN STREET ON EXISTING GRADE—CONDITION.] SECTION 1. That the ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them," be so modified as to permit the Pittsburgh, Fort Wayne and Chicago Railroad Company, and such other railroad companies as may unite with them, to cross Van Buren street at its present grade until the common council shall order otherwise for the purpose of making said railroad companies comply with any grade it may hereafter establish, either by running over or under said street: *Provided*, that the common council shall give six months notice of said change. But this ordinance shall be void, and all the rights, privileges and immunities under it, unless the Pittsburgh, Fort Wayne and Chicago Railroad Company shall locate their passenger depot on the west side of the river, between Madison and Adams streets, within six months after the passage of this ordinance, and the marshal shall at once proceed to take up the track.

An ordinance to vacate Monroe street, between Canal street and the south branch of the Chicago river, in accordance with the provisions of an ordinance passed August 16, 1858, entitled "An ordinance to allow a connection between the Pittsburgh, Fort Wayne and Chicago, and the Chicago, St. Paul and Fond du Lac railroad companies, and such other railroad companies as may unite with them."

[Passed August 12, 1861.]

35. PREAMBLE—REASONS FOR VACATION.] WHEREAS : The said Pittsburgh, Fort Wayne and Chicago Railroad Company have purchased and are the owners in fee of blocks 71 and 72 in school section addition to Chicago, and have permanently located thereon a union depot for the accommodation of said company, the Chicago and Northwestern Railroad Company, and such other railroad companies as may unite with them, and for the purpose of

shall at all times keep that portion of Lumber street which lies between the points above mentioned in good repair, and shall repair, grade, plank or pave all that portion of said Lumber street, as the said board of public works or said common council shall order or direct, and shall, in the use of said track or tracks, be subject to all rules and regulations relative to motive power, speed and manner of running thereon, that the said common council have, or hereafter may, either by general or special ordinance, make or impose.

40. FORFEITURE FOR NEGLECT OF ORDINANCES.] SEC. 2. If at any time the said railroad company shall refuse or neglect to comply with any order of said board of public works, or with any order or ordinance of said common council relative to the repairing, grading, planking or paving of said part of Lumber street, or relative to the laying of said track or tracks, or using the same, then all rights herein or hereby granted, or intended to be granted, shall cease and determine, and the said city of Chicago, its officers, agents, servants or workmen, shall have the right at once to take up and remove any or all of said tracks laid in said Lumber street.

41. COMPANY TO GIVE BOND TO CITY.] SEC. 3. This ordinance shall not take effect until the said railroad company shall have entered into a bond with the city of Chicago, to be filed with and approved by the city controller of said city, and conditioned for the payment of any and all costs, expenses, fees, charges and damages for which the said city of Chicago may become or be held liable to any person or persons by reason of any act of said railroad company, in laying down said track or tracks in said Lumber street, or using or operating on the same, or by reason of said railroad company's neglect or refusal to keep said Lumber street, between the points above mentioned, in good repair, or to keep that portion of said Lumber street repaired, graded, planked or paved, as directed by said common council or said board of public works.

An ordinance amending an ordinance entitled "An ordinance amending an ordinance passed February 13th, 1854, concerning the Fort Wayne and Chicago Railroad Company, now the Pittsburgh, Fort Wayne and Chicago Railroad Company," passed November 17th, 1856.

[Passed August 22, 1864.]

42. PREAMBLE OF ORDINANCE.] WHEREAS: Since the passage of the ordinance to which the following is an amendment, the legislature of the state of Illinois has, by the passage of the act approved February 13th, 1863, entitled "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," extended the limits of said city upon the south by including in the city section number thirty-three (33) in township thirty-nine (39) north, range fourteen (14) east of third principal meridian; and, whereas, before the passage of said act, the Pittsburgh, Fort Wayne and Chicago Railway Company had acquired from the commissioners of highways of the town of South Chicago, and from the various property owners along the street or highway known as Stewart avenue, as the same was laid out and dedicated, through the center of section thirty-three (33), the right of way for their track or tracks in said

street or highway running through said section; and, whereas, by the several ordinances to which this is an amendment, said railroad company were authorized and empowered to use said street as the same is located through the centers of sections number twenty-one (21) and twenty-eight (28), in the manner therein specified, from the south line of North (now Sixteenth) street to the city limits; now, therefore,

Be it ordained by the Common Council of the city of Chicago:

43. TRACKS ON STEWART AVENUE ALLOWED.] SECTION 1. That permission and authority is hereby given to the Pittsburgh, Fort Wayne and Chicago Railroad Company to lay down, maintain and operate a railroad track or tracks—not exceeding two in number—with the necessary switches, turn-outs and side tracks, in the street known and designated as Stewart avenue, in the city of Chicago, as the same is laid out and dedicated, running north and south on the center lines of sections twenty-one (21), twenty-eight (28) and thirty-three (33) in township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, from the south line of Sixteenth (formerly North) street to the southern boundary of said city.

44. LIMITATIONS OF ORDINANCE.] SEC. 2. Nothing in the foregoing section shall be construed as conferring upon said railway company the right to use any other street than the one therein named, nor as extending the right to use Stewart avenue between said points to any greater extent than is provided by the ordinance, passed November 17th, 1856, granting to said company permission to use said street north of the south line of North (now Sixteenth) street, to which this is an amendment.

45. GRANT SUBJECT TO ORDINANCES.] SEC. 3. That the privileges hereby granted shall be enjoyed subject to all general ordinances that now are or hereafter may be in force concerning railroads in said city.

46. COMPANY TO REPAIR STREET.] SEC. 4. The privileges granted by this ordinance are upon this express condition: That said railway company, its successors and assigns, shall, as respects grading, paving, macadamizing, filling, or planking, at its own expense, keep eighteen feet in width in repair on said Stewart avenue, so far as the same is embraced in this ordinance, and keep its tracks in such condition that wagons and other vehicles can pass and repass at any and all points and in any and all directions, and shall be subject to assessment for paving, repaving, planking, replanking, or any other kind of improvement, of eighteen feet in width of said avenue, whenever the common council shall by ordinance order said improvement to be made in said Stewart avenue, and shall then use the kind of rail and lay it in said avenue in the manner directed by the board of public works.

PRIVATE TRACKS.

al Mining and Manufacturing may connect with Chi. and St.	SECTION.
grant and term of franchise. any as to street.	40. C. Rietz & Bros. authorized to lay track on Stewart avenue.
ce in force.	41. Salt Company of Onondaga, Ferry & Son and A. Dalton may operate track on Lumber street.
ll and James Turner may con- Chi. and St. L. R. Co.	42. Upon conditions.
grant.	43. Ordinances to control franchise.
ce in force.	44. Duration of franchise.
. & Co. may operate track.	45. Improvement of street.
grant.	46. South Branch Canal Company may operate track on its lands.
ce in force.	47. May construct depot and cross streets.
and Bar Mill Company may ck.	48. Also, may lay track in Green's south branch addition.
of Thirty-first street.	49. May join other corporation in use of bridge and tracks.
y operate track.	50. Steam power may be used.
grant and term of franchise.	51. George Steele and Isaac Taylor may operate track.
st.	52. Upon conditions expressed.
ck.	53. Ordinances to control franchise.
ce in force.	54. When ordinance in force.
o. allowed to lay track on Thirty- on conditions.	55. W. H. Swett & Co. authorized to lay track across Grove street.
the grant.	56. Conditions of grant.
removed on expiration of fran- ce in force.	57. Power in council to repeal or modify.
may operate track in Lumber	58. When ordinance in force.
hise.	59. Thomas, Wilcox & Co. may lay track on Bates street.
ce in force.	60. Board of public works to supervise.
& Co. and C. Aultman & Co.	61. Track for business of the firm.
le track on Beach street.	62. Term of franchise.
ditions of franchise.	63. Ordinances to control the franchise.
ts.	64. Council may alter or repeal.
ce in force.	65. When ordinance in force.
may connect with C., B. & Q.	66. W. F. Tucker and associates may operate track across streets named.
ten years.	67. Conditions of the grant.
ce in force.	68. When ordinance in force.
ghlin may construct track across st.	69. Amendatory ordinance.
the grant—Indemnity to city.	70. E. H. & J. S. Turner may maintain track, with steam power, across Maxwell street.
ce in force.	71. How track to be laid.
ompany may connect with track -second street.	72. Improvement of street.
grant.	73. Conditions of grant—Duration of franchise— Reserved powers of council.
ce in force.	74. Wahl Bros. & Lighthall may maintain track to connect with P., Ft. W. and Chi. R. Co.
authorized to lay tracks—Con-	75. Not to obstruct travel.
t Co authorized to lay track on ket street—Conditions of grant.	76. Duration of franchise.

to allow the Allandale and Coal Mining and Manufacturing
to lay a railway track on the north side of Bates street, from the
cks of the Chicago and St. Louis Railroad Company to the west
ber street.

[Passed December 1, 1870.]

l by the Common Council of the city of Chicago :

DALE COAL COMPANY MAY OPERATE TRACK.] SECTION 1.
ion and authority be, and the same is hereby, granted to said
al Mining and Manufacturing Company to lay down, maintain
railroad track upon and along the north side of Bates street,
ent tracks of the Chicago and St. Louis Railroad Company to
of Lumber street.

2. TERM OF FRANCHISE—CONDITIONS.] SEC. 2. Said ordinance to be for the term of ten years from the passage of this ordinance: *Provided*, said Allandale Coal Mining and Manufacturing Company shall enter into bonds with said city, to be approved by the mayor, to hold and save the city harmless from all damages in consequence of this act: *And provided*, the privileges granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which may hereafter be passed regulating or in any way concerning railroads, or which may hereafter be passed regulating or in any way concerning the track in conformity with this ordinance.

3. DUTY AS TO CONDITION OF STREETS.] SEC. 3. That the said Allandale Coal Mining and Manufacturing Company shall cause such track to be well planked between the rails at all street crossings, and to keep the same in good repair.

4. WHEN IN FORCE.] SEC. 4. This ordinance shall be in force from and after its passage and due publication.

An ordinance granting permission to Alexander Bell and James Turner to construct and maintain a railroad track across Archer avenue, to connect with Chicago and St. Louis Railroad Company.

[Passed May 18, 1872.]

Be it ordained by the Common Council of the city of Chicago :

5. BELL AND TURNER MAY CONNECT WITH CHI. AND ST. L. RAILROAD.] SECTION 1. That permission is hereby given and granted Alexander Bell and James Turner to lay down, construct and maintain for a period of five years from the time this ordinance shall take effect, a single railroad track across Archer avenue at a point opposite sub-lot seven (7) of lots four (4) and five (5) of block twenty-four (24) of canal trustees' subdivision of south fraction of section twenty-nine (29), township thirty-nine (39) north, range fourteen (14) east, and to connect the same (over their own property) with the said Chicago and St. Louis Railroad Company's tracks: *Provided*, that the said track shall be laid down and maintained under the direction and supervision of the board of public works of said city: *And provided, further*, that the said privilege of grant shall cease and terminate at the expiration of five years from the time this ordinance takes effect, and that at the expiration of said period the said Alexander Bell and James Turner, or their heirs or assigns, shall take up and remove the same, leaving the street in good condition and repair where the same is so taken up: *And provided, further*, that in case of their neglect and refusal so to do, the council may order the same to be taken and removed by any of its officers, at the cost and expense of said Alexander Bell and James Turner, their heirs or assigns: *And provided, further*, that the said Alexander Bell and James Turner, their heirs or assigns, shall keep such portions of said street as shall be occupied by said track in good condition and repair, under the supervision and as they may be directed by the board of public works of said city.

6. BOND AND CONDITIONS.] SEC. 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Alexander Bell and James Turner shall enter into bonds with the said city of

Chicago, signed by sureties to be approved by the mayor, within ten days from its passage, in the sum of five thousand dollars, conditioned to comply with the conditions of this ordinance and the general railroad ordinances now in force or that may hereafter be passed; also to save, keep harmless and indemnify the city of Chicago from all damages, costs, and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted; and, upon the further express condition, that the city of Chicago may at any time repeal this ordinance: *And provided, further, that* cars shall be propelled or moved by horse power or by hand on that portion of said track across Archer avenue.

7. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage.

An ordinance granting permission to Charnley Brothers & Co. to construct and maintain a side track connecting with their track, already laid, from the east side of Cologne street, into their lumber yard on the west side of Cologne street.

[Passed March 11, 1872.]

Be it ordained by the Common Council of the city of Chicago:

8. CHARNLEY BROS. & CO. MAY LAY TRACK.] SECTION 1. That permission is hereby given and granted to Charnley Brothers & Co. to lay down, construct and maintain, for a period of five years from the time this ordinance shall take effect, a side track connecting with their track already laid from the east side of Cologne street into the lumber yard on the west side of Cologne street: *Provided*, the said side track shall be laid down and maintained under the direction and supervision of the board of public works of said city: *And provided, further*, that the said privilege or grant shall cease and terminate at the expiration of five years from the time this ordinance takes effect, and at the expiration of said period the Charnley Brothers & Co., or their heirs or assigns, shall take up and remove the same, leaving the street in good condition and repair where the same is taken up: *And provided, further*, that in case of their neglect and refusal so to do, the council may order the same to be taken and removed by any of its officers, at the cost and expense of said Charnley Brothers & Co., their heirs or assigns: *And provided, further*, that the said Charnley Brothers & Co., their heirs or assigns, shall keep such portion of said street as shall be occupied by said track in good repair, under the supervision and as they may be directed by the board of public works of said city.

9. CONDITIONS OF GRANT.] SEC. 2. This ordinance is passed and the permission aforesaid granted upon the express condition that the said Charnley Brothers & Co. shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within ten days from its passage, in the sum of five thousand dollars, conditioned to comply with the conditions of this ordinance, and the general railroad ordinances now in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any way arise from or grow out of the privileges hereby granted,

and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

10. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage.

An ordinance granting permission to Chicago Plate and Bar Mill Company to use a railroad track across Thirty-first street.

[Passed November 15, 1869.]

Be it ordained by the Common Council of the city of Chicago:

11. RIGHT TO OPERATE TRACK.] SECTION 1. That the right and privileges granted Edwin Evans & Co. be, and the same are hereby, extended to and conferred upon the said Chicago Plate and Bar Mill Company, its successors and assigns: *Provided, however,* the said company, its successors and assigns, shall be subject to all restrictions, conditions and limitations therein imposed on said Edwin Evans & Co.

12. NORTH SIDE OF THIRTY-FIRST STREET.] SEC. 2. That section second of the original ordinance be, and it is, so amended as to read "north side" of Thirty-first street, instead of south side, as at present.

An ordinance to allow Isaac R. Diller to lay a track on Union street, from the track of the Chicago, Burlington and Quincy railroad on Twenty-second street, to the south branch of the Chicago river.

[Passed June 29, 1868.]

Be it ordained by the Common Council of the city of Chicago:

13. I. R. DILLER MAY OPERATE TRACK.] SECTION 1. That permission be, and is hereby, granted Isaac R. Diller to lay down, maintain, and operate a railroad track, in, upon and along Union street, from its intersection with Twenty-second street to the south line of Lumber street.

14. CONDITIONS OF GRANT AND TERM OF FRANCHISE.] SEC. 2. Said grant to be for a term of ten (10) years from the passage of this ordinance: *Provided,* said Isaac R. Diller shall enter into bonds in the penal sum of ten thousand dollars with said city, to be approved by the mayor, to hold and save the city harmless from all damages from the provisions of this act: *And provided,* the privileges hereby granted shall be enjoyed subject to all ordinances, or which may hereafter be passed, regarding, or in any way concerning, the track laid in conformity with this ordinance.

15. REPAIR OF STREET.] SEC. 3. The privileges granted by this ordinance are upon the express condition that said Isaac R. Diller, his heirs, executors and assigns shall fill, grade, and pave, macadamize or plank, as and when directed by the board of public works or the common council, such portions of said streets as are used and occupied by said Isaac R. Diller, and also, at least twenty (20) feet in width outside of said track.

16. WHO MAY USE TRACK.] SEC. 4. Said track, side track, switches and turn-outs, when laid, shall be open to the use of railroad companies, whose cars come into the city, upon just, safe, and equitable terms, to be agreed upon by the parties interested, and in case of disagreement to be determined by arbitration.

17. WHEN IN FORCE.] SEC. 5. This ordinance shall be in force from and after its passage and due publication.

An ordinance authorizing Edwin Evans and Company to lay down and operate a railroad track on Thirty-first street.

[Passed August 26, 1869.]

Be it ordained by the Common Council of the City of Chicago:

18. CONDITIONAL GRANT TO E. EVANS & CO. TO LAY TRACK ON THIRTY-FIRST STREET.] SECTION 1. That permission and authority are hereby given to Edwin Evans & Co. to lay down, maintain and operate a railroad track, in and along Thirty-first street, and across Reuben street and Archer avenue, from the Chicago, Alton and St. Louis railroad, to the land of the said Edwin Evans & Co., for the period of six years: *Provided*, said Edwin Evans & Co. shall enter into bonds with said city, to be approved by the comptroller, to hold and save the city harmless from all damages, expenses or consequences, from or by this ordinance: *And provided*, the privileges hereby granted shall be enjoyed, subject to all ordinances now in force concerning railroads, or which may be hereafter passed, and also all ordinances that may be passed, regulating, in any way, the track laid in conformity with this ordinance, or which regulate the running thereon or operating the same.

19. CONDITIONS OF THE GRANT.] SEC. 2. The track shall be laid on the south side of Thirty-first street, and, at the crossings of Reuben street and Archer avenue said Edwin Evans and Company shall construct, lay down and keep in good repair such culverts, cross walks or plankings, as the board of public works may direct, and shall generally conform to such rules and regulations as the said board may make for the laying down of the track, and shall fill, grade or pave, or all of them, and keep in repair, the portions of said streets occupied by them as, and when, the common council or board of public works shall order and direct.

20. REMOVAL OF TRACK PROVIDED FOR, WHEN.] SEC. 3. The said Edwin Evans & Company shall, at the expiration of the term aforesaid (unless the same be extended by the common council), at their own expense, take up and remove said track from said streets, or, in default of their so doing, the board of public works may cause the same to be done at the expense of said Edwin Evans and Company, their successors and assigns.

21. WHEN IN FORCE.] SEC. 4. This ordinance shall be in force, and take effect, from and after its passage.

An ordinance granting permission to Ferry & Son to lay a track on Lumber street.

[Passed November 29, 1869.]

Be it ordained by the Common Council of the city of Chicago:

22. FERRY AND SON MAY OPERATE TRACK.] SECTION 1. That Ferry & Son be, and they are hereby, authorized to lay down and operate a single railroad track in Lumber street, and connect the same by switch with the track of the Pittsburgh, Fort Wayne and Chicago Railroad Company, com-

mencing at the north line of Eighteenth street, and extending the same not to exceed two hundred feet north of Eighteenth street, and extend the same into their lumber yard east of Lumber street: *Provided*, that no cars shall be permitted to stand on such track for the purpose of loading, or after having been loaded: *And provided, further*, that said Ferry & Son shall keep the street carefully planked between and on both sides of said track.

23. TERM OF FRANCHISE.] SEC. 2. This ordinance shall extend for a period of ten years, and shall be subject to all ordinances now in force or that may hereafter be passed by the common council.

24. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage.

An ordinance to allow Gould Bros. and C. Aultman & Co. to lay a railway track on the east side of Beach street, from the north line of Polk street to the south line of Mather street.

[Passed] May 9, 1870.]

Be it ordained by the Common Council of the city of Chicago:

25. GOULD BROS. AND C. AULTMAN & CO. MAY OPERATE TRACK.] SECTION 1. That permission and authority be, and the same is hereby, granted to said Gould Bros. and C. Aultman & Co. to lay down, maintain and operate a railroad track upon and along the east side of Beach street, from its intersection with the north side of Polk street to the south line of Mather street.

26. TERM OF FRANCHISE—CONDITIONS.] SEC. 2. Said ordinance to be for the term of ten years from the passage of this ordinance: *Providing*, said Gould Bros. and C. Aultman & Co. shall enter into bonds with said city, to be approved by the mayor, to hold and save the city harmless from all damages in consequence of this act: *And provided*, the privileges granted shall be enjoyed subject to all ordinances now in force concerning railroads, or which hereafter may be passed regulating, or in any way concerning, the track laid in conformity with this ordinance.

27. REPAIR OF STREET.] SEC. 3. That the said Gould Bros. and C. Aultman & Co. shall cause said track to be well planked between the rails, and keep the same in good repair.

28. WHEN IN FORCE.] SEC. 4. This ordinance shall be in force from and after its passage and due publication.

An ordinance granting permission to T. W. Harvey to lay down and operate a railroad track.

[Passed December 7, 1868.]

Be it ordained by the Common Council of the city of Chicago:

29. T. W. HARVEY MAY LAY TRACK.] SECTION 1. That permission is hereby granted to T. W. Harvey to lay down and operate a railroad track upon and across the north half of Twenty-second street, and to connect his planing-mill with the track of the Chicago, Burlington and Quincy railroad, said mill to be located on block twenty-four (24) Walsh and McMullen's subdivision of section twenty (20), T. 39, N., R. 14 east: *Provided, however*,

said T. W. Harvey shall enter into bonds with the city in the sum of ten thousand dollars before laying said track, to be approved by the mayor, to hold and save the city harmless from all damages, costs and expenses whatever in consequence of the passage of this ordinance or the laying and operating said track: *And provided, further*, the privilege hereby granted shall be subject to all ordinances now in force concerning railroads, or which may hereafter be passed: *And provided, further*, that said Harvey and his successors shall plank the street and maintain the same in good order, at least twenty feet in width on both sides of the track laid by him the whole width of the street, and also between the track: *And provided, also*, that the cars shall at no time stand in Twenty-second street.

30. TERM OF FRANCHISE.] SEC. 2. All the privileges hereby granted shall cease and determine at the expiration of ten (10) years from the passage of this ordinance.

31. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage and due publication.

An ordinance granting permission to James H. Laughlin to construct and maintain a railroad track across Grove street opposite lots seven, eight, thirteen and fourteen, in block number four, south branch addition.

[Passed September 23, 1872.]

Be it ordained by the Common Council of the city of Chicago:

32. JAS. H. LAUGHLIN MAY LAY TRACK.] SECTION 1. That permission and authority is hereby given to James H. Laughlin to lay down, construct and maintain for a period of five years from the time this ordinance shall take effect a single railroad track across Grove street, opposite lots seven, eight, thirteen and fourteen, in block number four south branch addition, to connect with the Chicago, Alton and St. Louis railroad track: *Provided*, that said track shall be laid down and maintained under the direction and supervision of the board of public works: *And provided, further*, that the said privilege or grant shall cease and terminate at the expiration of five years from the time this ordinance takes effect, and that at the expiration of said period the said James H. Laughlin, his heirs or assigns, shall take up and remove the same, leaving the street in good condition and repair where the same is so taken up: *And provided, further*, that the said James H. Laughlin, his heirs and assigns, shall keep such portion of said street as shall be occupied by said track in good condition and repair, under the supervision of and as they may be directed by the board of public works of said city.

33. CONDITIONS OF THE GRANT.] SEC. 2. The permission and authority hereby granted is upon the express condition that the said James H. Laughlin shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within ten days from the passage thereof, in the sum of five thousand dollars, conditioned to comply with the conditions of this ordinance, and the general railroad ordinances now in force, or that may hereafter be passed. Also to save, keep harmless, and indemnify the city of Chicago from all damages, costs and expenses that may accrue, or in any way arise from or grow out of the privileges hereby granted, and

upon the further express condition that the city of Chicago may at any time repeal this ordinance.

34. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force ~~from~~ and after its passage and due publication.

An ordinance granting permission to E. Mendsen Company to construct and maintain a railroad track across Twenty-second street to connect with railroad track on Twenty-second street, opposite Fisk street.

[Passed August 5, 1872.]

Be it ordained by the Common Council of the city of Chicago :

35. E. MENSDEN CO. MAY OPERATE TRACK.] SECTION 1. That permission is hereby given and granted the E. Mendsen Company to lay down, construct and maintain, for a period of five years from the time this ordinance shall take effect, a single railroad track from any part of their property on the corner of Twenty-second and Fisk streets, across Twenty-second street to connect with railroad track on Twenty-second street, the switch to commence opposite Fisk street: *Provided*, that said track shall be laid down and maintained under the direction and supervision of the board of public works: *And provided, further*, that the said privilege or grant shall cease and terminate at the expiration of five years from the time this ordinance takes effect, and that at the expiration of said period the said E. Mendsen Company, or their heirs or assigns, shall take up and remove the same, leaving the street in good condition and repair where the same is so taken up: *And provided, further*, that in case of their neglect or refusal to do so, the council may order the same to be taken up and removed by any of its officers, at the cost and expense of said E. Mendsen Company, their heirs or assigns: *And provided, further*, that the said E. Mendsen Company, their heirs or assigns shall keep such portion of said street as shall be occupied by said track in good condition and repair, under the supervision of, and as they may be directed by, the board of public works of said city.

36. CONDITIONS OF GRANT.] SEC. 2. This ordinance is passed, ~~and~~ the permission aforesaid granted, upon the express condition that the said E. Mendsen Company shall enter into bonds with the said city of Chicago signed by sureties to be approved by the mayor, within ten days from ~~its~~ passage, in the sum of five thousand dollars, conditioned to comply with ~~the~~ conditions of this ordinance and the general railroad ordinances now ~~in~~ force, or that may hereafter be passed; also, to save, keep harmless and ~~in-~~ demnify the city of Chicago from all damages, costs and expenses that ~~may~~ accrue or in anywise arise from, or grow out of, the privileges hereby granted ~~and~~ upon the further express condition that the city of Chicago may at ~~any~~ time repeal this ordinance.

37. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force ~~from~~ and after its passage and due publication.

ance granting permission to Munn & Scott to lay down and operate a railroad track.

[Passed December 8, 1866.]

acted by the Common Council of the city of Chicago :

MUNN & SCOTT MAY LAY TRACK—CONDITIONS.] SECTION 1. Permission is hereby granted to Munn & Scott to lay down and operate a track over and across Maxwell street, at its junction with Dodge street; thence on Dodge street to its intersection with Mitchell street; thence across Mitchell street to the north line of the grounds of the Pitts-
 rt Wayne and Chicago Railroad Company, for the purpose of enabling n & Scott to make a more perfect and easy connection between
 tor, situate south of Twelfth street, and the Chicago and Northwest-
 e Chicago, Burlington and Quincy railroads: *Provided, however,*
 & Scott shall enter into bond with said city, in the sum of ten
 dollars, before laying said track, to be approved by the mayor, to
 save the city harmless from all damages, costs and expenses, what-
 consequence of the passage of this ordinance, or the laying and
 said track: *And provided, further,* the privilege hereby granted
 subject to all ordinances now in force concerning railroads, or which
 hereafter passed: *And provided, also,* this ordinance shall, at all
 subject to modification, amendment or repeal, and in case of repeal,
 privileges hereby granted shall cease and determine: *And provided,*
 that said grant or permission is hereby expressly limited to a period
 of nine years from the passage of the ordinance, and, unless other-
 ed by the council, the said Munn & Scott, their representatives or
 shall take up and remove the same at the end of said period, or on
 of this ordinance, or on their default, the city may order the same
 at the expense of said Munn & Scott, their representatives or as-

ance to allow a connection between the Galena and Chicago Union
 railroad track, and the warehouse of L. Newberry and Co.

[Passed February 10, 1862.]

acted by the Common Council of the city of Chicago :

**NEWBERRY & CO. MAY LAY TRACK IN NORTH MARKET STREET
 CONDITIONS.] SECTION 1.** That permission and authority are hereby
 L. Newberry & Co., to lay down, maintain and operate a railroad
 upon and along North Market street, from the track of the Galena
 go Union Railroad to Carroll street; thence on Carroll street, to
 with the elevator of L. Newberry & Co., in block 14, original
 Chicago: *Provided,* said Newberry & Co. shall enter into bonds
 city, to be approved by the mayor, to hold and save the city harm-
 all damages in consequence of this act: *And provided,* the privi-
 y granted shall be enjoyed subject to all ordinances now in force
 g railroads, or which may be hereafter passed regulating or in any
 rning the track laid in conformity with this ordinance: *Provided,*
 ordinance shall at all times be subject to repeal by the common

council, and if so repealed, all the privileges hereby granted shall cease and determine.

An ordinance to allow Charles Rietz & Brothers to lay down and operate a railroad track.

[Passed July 20, 1866.]

Be it ordained by the Common Council of the city of Chicago :

40. C. RIETZ & BROS. MAY OPERATE TRACK ON STEWART AVENUE—CONDITIONS.] SECTION 1. That permission is hereby given and granted to Charles Rietz & Brothers to lay down, maintain and operate a railroad track in, upon and along the west side of Stewart avenue, from the south line of Twelfth street to the intersection of the Chicago and Joliet railroad with said Stewart avenue: *Provided*, said parties shall at all times keep said track in good condition and so as to interfere as little as possible with the passage of vehicles: *And provided, further*, that this permission shall only extend for the period of five years from and after the passage of this ordinance. And the said parties shall, at the expiration of said time, unless otherwise ordered by the common council, take up said track and leave the street in good condition.

An ordinance allowing the Salt Company of Onondaga, and others, to maintain a railroad track.

[Passed April 16, 1866.]

Be it ordained by the Common Council of the city of Chicago :

41. SALT COMPANY OF ONONDAGA, AND OTHERS, MAY LAY TRACK ON LUMBER STREET.] SECTION 1. That permission is hereby granted to the Salt Company of Onondaga, Ferry & Son, and A. Dalton, and their heirs and assigns, to lay down, construct and operate a railroad track on Lumber street, in the city of Chicago, commencing at a point on the east side of said street and as near the sidewalk as practicable, and on a line with the north line of lot two in block four of the canal trustees, subdivision of west half of section 21, township 39 of range 14, east of the 3d principal meridian, and so much of the southeast quarter as lies west of the south branch of the Chicago river, and running thence southerly along the east side of said Lumber street, as near the sidewalk as may be, to its intersection with the track of the Pittsburgh, Fort Wayne and Chicago Railroad Company.

42. CONDITIONS OF THE GRANT.] SEC. 2. This grant is made on the express condition that said parties shall so construct and shall so keep and maintain said track that it shall interfere as little as possible with the passage of vehicles along and over it, and the same shall be laid and maintained under the directions and supervision of the board of public works of said city.

43. ORDINANCES CONTROL THE FRANCHISE.] SEC. 3. The privileges hereby granted shall be enjoyed subject to all general ordinances that now are, or that hereafter may be, in force concerning railroads.

44. LIMIT OF THE FRANCHISE.] SEC. 4. The said grant or permission is hereby expressly limited to a period of ten years from and after the passage of this ordinance, and unless otherwise expressly provided shall be taken

expiration of said time by the said parties, their heirs or assigns, and street be put in good condition for travel.

IMPROVEMENT OF STREET.] SEC. 5. This grant is made upon the condition that the said parties shall keep and maintain twenty-four feet on the west side of said railroad track, so laid by them, in good condition, by planking or macadamizing, as the common council or board of public works may, from time to time, order and direct.

and power allowing the South Branch Canal Company to lay down railroad track in streets in west division.

[Passed January 5, 1857.]

enacted by the Common Council of the city of Chicago :

SOUTH BRANCH CANAL COMPANY MAY LAY TRACK.] SECTION 1. Permission be, and is hereby, granted to the Chicago South Branch Canal Company to construct, maintain and operate, in the west division of the city, one or more railroad tracks, with all necessary switches, turn-outs, and crossings, in, upon or through any and all lands owned or controlled by the city, between the air-line railroad track and South street.

DEPOTS AND STREET CROSSINGS.] SEC. 2. Said company may lay said track or tracks across any street within the boundaries aforesaid, whenever any such street crosses their intended line of railroad; also to construct and use all depots necessary to accommodate the business of said company: *Provided*, that convenient crossings be made by said company, where the said tracks cross the line of streets.

LAY LAY TRACK IN GREEN'S SOUTH BRANCH ADDITION.] SEC. 3. Said company may construct, maintain and operate one or more railroad tracks through or upon any lands they own or control, in Green's south branch addition to Chicago; and, also, occupy such portion of the streets in said addition, for railroad purposes, as were provided for by reservation in said plat of said addition.

LAY JOIN IN USE OF BRIDGE AND TRACKS.] SEC. 4. Said company may join any railroad company in the erection and use of any railroad bridge heretofore authorized, or which may hereafter be authorized, to be erected across the south branch of the Chicago river, and the said South Branch Canal Company, and any railroad company, may jointly use each track or tracks, and bridge or bridges within the city, and form partnerships, upon such terms as may be agreed upon by the parties in-

STEAM POWER MAY BE USED.] SEC. 5. Said company may run trains by locomotives, within the limits herein described, at a speed not exceeding six miles per hour, subject to such laws and ordinances as are now in force, or that may, from time to time, be passed by the common council of the city, establishing and regulating speed and motive power within

An ordinance granting permission to George Steele and Isaac Taylor to lay down and operate a railroad track.

[Passed September 7, 1868.]

Be it ordained by the Common Council of the city of Chicago :

51. GEO. STEELE AND I. TAYLOR MAY LAY TRACK.] SECTION 1. That permission is hereby granted to George Steele and Isaac Taylor to lay down and operate a railroad track across all intervening streets from their elevator, situated on lots 8, 9 and 10 in block 4 of the canal addition to Chicago, to the track or tracks of the Chicago, Alton and St. Louis and the Fort Wayne and Chicago railroads, on the most direct practicable route, for the purpose of removing grain to and from said elevator, and none other. But it is expressly understood that the city of Chicago does not undertake to obtain for said Steele and Taylor any right of way, or other right, privilege or easement not now in the power of said city to grant or confer, or to assume any liability or responsibility for the acts of the said George Steele and Isaac Taylor, or their successors.

52. EXPRESS CONDITIONS OF GRANT.] SEC. 2. The permission hereby granted is with the following express conditions, to-wit:

First. That the said Steele and Taylor, or their successors, shall, at their own expense, plank the carriage-way of all streets across which their track or tracks, when so laid, shall pass, to the width of twenty-four feet, on a line of all such streets, and extending from a point not less than twenty feet from the outside rail on the one side of said track or tracks, to a point not less than twenty feet from the outside rail on the other or opposite side of said track or tracks, and said rails and planking shall be so laid that teams, carriages, and all other vehicles can easily and freely cross said track or tracks with the least obstruction possible, and shall at all times keep said planking and street and railroad crossings in good order and repair.

Second. That the said Steele and Taylor and their successors shall, at their own expense, and subject to the direction of the board of public works, build good and substantial culverts, and keep the same in good order and repair, on all streets where their track or tracks pass over or intersect any street or alley.

Third. That the said Steele and Taylor, for themselves and their successors, shall enter into a good and sufficient bond with the city of Chicago, conditioned that they will indemnify the city for any damage and expense to which it may be legally subjected by reason of the occupying of any of the streets or alleys of the city with their tracks or other fixtures.

53. ORDINANCES CONTROL FRANCHISE.] SEC. 3. The said George Steele and Isaac Taylor and their successors, shall be subject to all laws and ordinances that are now in force, or may hereafter be passed, to regulate railroads within this city.

54. WHEN IN FORCE.] SEC. 4. This ordinance shall take effect and be in force from and after its passage.

ance to allow W. H. Swett & Co. to construct and maintain a railroad track between their ice-house and the Joliet and Chicago railroad between Eighteenth and Nineteenth streets, in the city of Chicago :

[Passed, January 27, 1868.]

Enacted by the Common Council of the city of Chicago :

W. H. SWETT & CO. MAY LAY TRACK ACROSS GROVE STREET.]

1. That permission and authority be, and the same is hereby, given to W. H. Swett & Co. to lay down and operate a railroad track in front of their ice-house on Grove street, between Eighteenth and Nineteenth streets in said city, on the most direct and practical route across said Grove street to connect with the track of the Joliet and Chicago Railroad Company. *Provided*, the said track shall be laid down and maintained under the direction and supervision of the board of public works of said city : *And further*, that the said privilege or grant shall cease and terminate at the expiration of ten years from the time this ordinance takes effect, and at the expiration of said period the said Swett & Co., or their heirs or assigns, shall take up and remove the same, leaving the street in good condition and repair where the same is so taken up : *And provided, further*, that in case of their neglect and refusal so to do, the council may order the same to be taken up, and removed by any of its officers, at the cost and expense of the said W. H. Swett & Co., their heirs or assigns : *And provided, further*, that the said W. H. Swett & Co., their heirs or assigns, shall keep such portion of said street as shall be occupied by said track in good condition and under the supervision and as may be directed by the board of public works of said city.

CONDITIONS OF GRANT—BOND.] SEC. 2. This ordinance is passed, upon the permission aforesaid granted, upon the express condition that the said W. H. Swett & Co. shall enter into bonds with said city of Chicago, in the sum of five thousand dollars, conditioned to comply with the provisions of this ordinance and the general railroad ordinances now in force or hereafter be passed, and also to save, keep harmless, and indemnify said city of Chicago from all damages, costs and expenses that may accrue or arise from or grow out of the privileges hereby granted.

POWER TO MODIFY OR REPEAL RESERVED.] SEC. 3. In case said W. H. Swett & Co. or their heirs or assigns shall neglect or fail to comply with any of the provisions or conditions of this ordinance, the council shall have the right to amend or repeal the same.

WHEN IN FORCE.] SEC. 4. This ordinance shall be in force from its passage.

ance to authorize Thomas, Wilcox & Co. to lay down and operate a railroad track on Bates street.

[Passed November 12, 1866.]

Enacted by the Common Council of the city of Chicago :

THOMAS, WILCOX & CO. MAY LAY TRACK.] SECTION 1. That permission is hereby granted to B. W. Thomas, E. P. Wilcox and A. B. Wil-

cox, composing the firm of Thomas, Wilcox & Co., to lay down and operate a railroad track, for and during the term of five years, commencing at a point on Bates street opposite the centre of an alley running north and south, between Holden and Dodge streets, and thence west on the north side of said Bates street to a point where the same will connect with the railway tracks on Railroad avenue.

60. BOARD OF PUBLIC WORKS TO SUPERVISE.] SEC. 2. Said railroad track shall be laid down in the manner and as the board of public works of said city shall direct.

61. TO BE USED FOR BUSINESS OF FIRM.] SEC. 3. Said railroad track shall only be used and operated for the purpose of enabling said Thomas, Wilcox & Co. carrying on their legitimate business.

62. DURATION OF FRANCHISE.] SEC. 4. This grant is made on the express condition that the said Thomas, Wilcox & Co., will, at the expiration of said term of five years (unless otherwise ordered by the common council), take up said track and leave the street in as good condition as when the same was laid down.

63. ORDINANCES CONTROL FRANCHISE.] SEC. 5. The said Thomas, Wilcox & Co. shall be subject to all general ordinances now existing, or that hereafter may be passed, concerning railroads.

64. COUNCIL MAY ALTER OR REPEAL.] SEC. 6. This ordinance shall be subject to amendment, modification or repeal at any and all times.

65. WHEN IN FORCE.] SEC. 7. This ordinance shall take effect and be in force from and after its passage.

An ordinance granting permission to William F. Tucker and his associates to construct and maintain a railroad track across Egan avenue at Emerald street, thence to south fork of south branch of the Chicago river.

[Passed September 28, 1872.]

Be it ordained by the Common Council of the city of Chicago :

66. W. F. TUCKER AND OTHERS MAY OPERATE TRACK.] SECTION 1. That permission is hereby given and granted Wm. F. Tucker and his associates to lay down, construct and maintain a single railroad track across Egan avenue at the intersection of Emerald street, thence west across Halsted, Tucker and Gage streets, on any land they may acquire by purchase or otherwise, to the south fork of the south branch of the Chicago river, said railroad track to be laid not more than one hundred feet north of the north line of Egan avenue: *Provided*, the said track shall be laid down and maintained under the direction and supervision of the board of public works: *And provided, further*, that the said Wm. F. Tucker and his associates, their heirs or assigns, shall keep such portion of said streets as shall be occupied by said track in good condition and repair, under the supervision and as they may be directed by the board of public works.

67. CONDITIONS OF THE GRANT.] SEC. 2. This ordinance is passed and the permission aforesaid is granted upon the express condition that the said Wm. F. Tucker and his associates shall enter into bonds with the said city of Chicago, signed by sureties to be approved by the mayor, within

twenty days from its passage, in the sum of twenty thousand dollars, conditioned to comply with the conditions of this ordinance and the general railroad ordinances now in force, or that may hereafter be passed, and also to save, keep harmless and indemnify the city of Chicago from all damages, costs and expenses that may accrue or in any wise arise from or grow out of the privileges hereby granted, and upon the further express condition that the city of Chicago may at any time repeal this ordinance.

68. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage.

An ordinance to amend an ordinance entitled, "An ordinance granting permission to Wm. F. Tucker and his associates to construct and maintain a railroad track across Egan avenue at Emerald street, thence to south fork of south branch of Chicago river."

[Passed November 7, 1867.]

Be it ordained by the Common Council of the city of Chicago:

69. AMENDS LAST PRECEDING ORDINANCE.] SECTION 1. That the above entitled ordinance be, and the same is hereby, amended by striking out of the first section the words "one hundred feet," and inserting in lieu thereof the words "one hundred and fifty feet," but all the terms, conditions and provisions of said ordinance, of which this is amendatory, are hereby extended and made to apply to this ordinance.

An ordinance authorizing E. H. and J. S. Turner to lay a railroad track, etc.

[Passed June 6, 1870.]

Be it ordained by the Common Council of the city of Chicago:

70. E. H. AND J. S. TURNER MAY MAINTAIN TRACK.] SECTION 1. That E. H. and J. S. Turner be, and they are hereby, authorized to lay a railroad track across Lumber street, one hundred and twenty-five feet south of Maxwell street, and to run a steam engine with cars on said track across said street for the sole and only purpose of conveying and transferring lumber and merchandise from one side of said Lumber street to the other.

71. TRACK HOW LAID.] SEC. 2. The track shall not be elevated above the surface of said Lumber street, and shall be laid with modern improved rails, and shall be so laid that carriages, and other vehicles, can easily and safely cross said track at any time, and at all points, and in any and all directions, without danger or obstruction.

72. IMPROVEMENT OF STREET.] SEC. 3. Said E. H. and J. S. Turner shall at all times keep the crossing at said track in good and perfect repair and condition, and shall so fill and plank the said street on the line of said railroad track, or any other improvement that the board of public works may direct, that all persons and vehicles may pass over the same without difficulty or danger.

73. CONDITIONS OF GRANT.] SEC. 4. Said E. H. and T. S. Turner shall, if required or directed by the authorities of said city so to do, keep a flagman at the point or place where said railroad track crosses said Lumber street, to give notice to all persons and teams passing along or upon said

street, of the passage or intended passage of cars over said street, and said E. H. and J. S. Turner shall be liable to said city for all legal consequential damages which may be sustained by any person by reason of the carelessness, negligence, or misconduct of said E. H. and J. S. Turner, the agents or servants, in complying with or carrying out the objects and intentions of this act. This ordinance shall be in force for the period or space of ten years, from and after the date hereof, unless this ordinance shall be sooner repealed. The said city of Chicago hereby reserving unto itself the right to repeal this ordinance at any time, and to annul the contract hereby made whenever said E. H. and J. S. Turner shall violate any section or part of section of this ordinance.

An ordinance authorizing the laying and operating certain railroad track
by Wahl Brothers & Lighthall.

[Passed April 16, 1866.]

Be it ordained by the Common Council of the city of Chicago :

74. WAHL BROS. & LIGHTHALL MAY LAY TRACK.] SECTION 1. That permission is hereby given and granted to Wahl Bros. & Lighthall and their heirs and assigns to lay and operate their side railroad tracks across and over Twenty-sixth and Twenty-seventh streets in the city of Chicago at their intersection with Stewart avenue, and to connect the same with their tracks on block one United States Bank addition to Chicago and with the tracks of the Pittsburgh, Fort Wayne and Chicago Railroad Company, and to establish on said block a depot for the reception and carrying out over said tracks to the Calumet river all the offal, blood, bones and other animal matter from the packing and slaughtering houses in said city, and also any vegetable matter that may be received by them: *Provided*, the permission hereby given is granted upon the express condition that the depot erected or to be erected, shall be kept in the condition required by any ordinance now or hereafter in force or to be in force concerning the health of the city or nuisances.

75. NOT TO OBSTRUCT TRAVEL.] SEC. 2. That said tracks shall be so laid down and operated as to interfere as little as possible with the travel on said streets, and so as to be as little obstruction as may be to the passage of vehicles over and along the same.

76. DURATION OF FRANCHISE.] SEC. 3. This grant is hereby limited to, for and during the period of five years from and after the passage of this ordinance.

CHAPTER 18.

REFORM SCHOOL.

SECTION.

1. Agreement as to sale of improvements, etc.
2. Concurrence of the county.

SECTION.

3. Ratification by council.

Report and resolution in relation to Reform School property, etc.*

[Concurred in July 24, 1871.]

1. SALE OF IMPROVEMENTS AUTHORIZED.] Your committee have had consultation with the Reform School grounds committee of the board of supervisors and have agreed to recommend the following proposition for the action of the common council and the board of supervisors, to-wit:

The city of Chicago to change the location of the Reform School and vacate blocks one, three and four by October 1st, 1871, and all the grounds by October 1st, 1872, and to give the county a free lease of the city hospital grounds for five years from October 1st, 1872. The county is to pay the city fifty thousand dollars in lieu of and in full payment of all improvements on the Reform School grounds, to be from the proceeds of the sale of block two of the subdivision of the property known as the Reform School ground, in like funds and terms as received by the county, but the lien of the city on such proceeds, not to affect the purchaser's title to said property.

Your committee respectfully recommend the passage of the following resolution:

Resolved, That the proposition mentioned in the above report of the committee on county relations be made by the city to the board of supervisors of Cook county, and if accepted by said county, the mayor and comptroller be, and are hereby, authorized to execute the necessary papers to carry the same into effect.

Communication of Cook county.

[Filed with comptroller June 26, 1872.]

2. ACCEPTANCE BY COUNTY.]

OFFICE OF THE CLERK OF THE COUNTY COURT OF COOK COUNTY, }
CHICAGO, ILL., Sept. 18, 1871. }

Hon. R. B. Mason, Mayor of the City of Chicago:

I have the honor to inform you, by direction of the board of supervisors of

*This was a report of the committee on county relations of the common council presented to the council July 17, 1871, and concurred in by the common council.

Cook county, that the following resolution was unanimously adopted by said board Thursday, September 14, 1871, to-wit:

Resolved, That this board accept the propositions of the common council of the city of Chicago in relation to the Reform School grounds and a lease of the hospital to the county, referred to in the communication signed by the mayor and comptroller of September 13th, 1871.

I have the honor to remain,

Very respectfully, your obed't serv't,

J. G. GINDELE,

Clerk of the County Court and ex-officio Clerk Board of Supervisors.

Resolution in relation to Reform School grounds.

[Adopted September 14, 1871.]

3. RATIFICATION.] *Resolved*, That the said proposition of the board of supervisors of Cook county in relation to the Reform School grounds be, and the same is hereby, accepted, and that the mayor and comptroller be, and are hereby, authorized to execute the necessary papers to carry the same into effect.

CHAPTER 19.

RIVER AND CANAL.

SECTION.

1. South branch of river ordered widened.
2. Depth of channel at Van Buren street.
3. Clerk to give notice of proceeding.
4. Mayor and comptroller to settle damages arising from.
5. Widening to be prosecuted.
6. Appropriation for.
7. Cutting down canal to cleanse river approved.
8. Board of public works authorized to contract with canal trustees.
9. Also to contract for pumping at Bridgeport.
10. Bonds to be issued and appropriated.
11. Preamble reciting that Healey slough is a nuisance.
12. Healey slough declared a nuisance.
13. And ordered to be dredged.
14. Assessment to cover expense ordered.
15. Property owners to pay into treasury.
16. River to be straightened at Twelfth street.
17. Cost to be assessed.
18. Repeals ordinance of September 7, 1863.
19. Dock line established on south side of Chicago river.
20. Assessment for expense of dredging ordered.

SECTION.

21. Board of public works authorized to contract for deepening canal.
22. And to issue bonds.
23. Preamble of resolutions reciting that a railroad bridge over Healey slough is a nuisance.
24. Chi. & Alton R. bridge over Healey slough declared a nuisance.
25. The railroad company required to remove it.
26. In case of default, board of public works to abate it.
27. Contract for widening river at Polk street authorized.
28. Canal boats excluded from river west of Wells street, etc.
29. River to be widened at Adams street bridge.
30. Issue of river improvement bonds.
31. Vacation of part of west branch of the south branch of Chicago river.
32. Plats declared part of ordinance.
33. River to be widened at and near Polk street.
34. Comptroller authorized to negotiate canal redemption bonds to pay interest.
35. When ordinance in force.

An ordinance for widening the south branch of the Chicago river.

[Passed June 2, 1862.]

Be it ordained by the Common Council of the city of Chicago :

1. SOUTH BRANCH ORDERED WIDENED.] SECTION 1. That the south

branch of the Chicago river be, and is hereby, ordered widened, by taking all that portion of the lots or parcels of land lying west of a line commencing at a point in the northerly line of lot thirty-eight (38), block ninety (90), school section addition, one hundred [and] seventy (170) feet distant from the north easterly corner of said lot, thence running in a northerly direction to a point in the north line of lot forty-three (43), block ninety (90), school section addition, ninety-seven (97) feet west of the northeast corner of said lot, thence north to a point in the south line of lot three (3) in block eighty-four (84), school section addition, seventy-five (75) feet west of the southeast corner of said lot, thence running northerly to a point in the north line of lot sixteen (16), block eighty-four (84), school section addition to Chicago, one hundred [and] twenty-seven (127) feet west of the northeast corner of said lot, in accordance with the plan or profile hereto annexed.

2. DEPTH OF CHANNEL AT VAN BUREN STREET.] SEC. 2. Said improvement shall be so made and completed as to provide a channel for the passage of vessels on the easterly side of the bridge at Van Buren street, at least fourteen (14) feet in depth; and said river shall be sufficiently dredged and deepened at that point to accomplish this object.

3. NOTICE TO BE GIVEN.] SEC. 3. That the city clerk give ten days' notice, in the corporation newspaper, that the common council intend to take and appropriate so much land as is necessary to widen said river as above described.

An ordinance for the settlement of certain claims.

[Passed December 1, 1862.]

Be it ordained by the Common Council of the city of Chicago :

4. SETTLEMENT OF DAMAGES BY RIVER EXTENSION.] SECTION 1. That the mayor and comptroller be, and they are hereby, authorized to settle with and pay the parties claiming compensation for land taken by the city under an ordinance of the common council passed June 20th, 1862, for widening the south branch of the Chicago river at Van Buren street, or damages in consequence of the building of the bridge at said street, or on account of any obstruction or injury caused by the city, or any delay or neglect of the city in removing the earth and dredging on the east side of the river at or near said bridge. They are also authorized to covenant with said parties, or any of them, as a part of such settlement, that the city of Chicago shall cause such earth to be removed and dredging to be done, as specified in said ordinance, within such time as shall be agreed upon.

5. WIDENING TO BE PROSECUTED.] SEC. 2. The board of public works are hereby authorized and directed to have the earth removed and the channel of the river dredged out and deepened as specified in said ordinance, within such time as shall be appointed by the mayor and comptroller, as aforesaid.

6. APPROPRIATION.] SEC. 3. The sum of thirty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of carrying this ordinance and said ordinance of June 2d, 1862, into effect, payable on the warrant of the mayor and comptroller, out of any money in the treasury not otherwise appropriated.

An ordinance to provide for cleansing the Chicago river, and appropriating the proceeds of two hundred and fifty bonds therefor.

[Passed June 5, 1865.]

Be it ordained by the Common Council of the city of Chicago :

7. APPROVING PLAN OF CUTTING DOWN CANAL.] SECTION 1. That the plan of the board of public works for cleansing the Chicago river and its branches, by cutting down the summit of the Illinois and Michigan canal to below the level of Lake Michigan, so as to draw from it, at a low stage of water in the lake, not less than twenty-four thousand (24,000) cubic feet of water per minute, is hereby approved, and said board are hereby authorized to execute said work.

8. BOARD OF PUBLIC WORKS MAY CONTRACT WITH CANAL TRUSTEES.] SEC. 2. That the board of public works are hereby authorized and empowered, for the purpose of prosecuting the work described in the previous section, to make any contract necessary to carry into effect such purpose, with the trustees of the Illinois and Michigan canal, in conformity with and subject to the general provisions of the city charter.

9. USE OF HYDRAULIC WORKS PROVIDED FOR.] SEC. 3. That, as a temporary expedient for cleansing the south branch of the Chicago river, the said board are hereby authorized and empowered to contract with the said trustees for the pumping from the river into the canal, by the hydraulic works at Bridgeport, and discharging through the canal, of such amount of water as shall be found necessary and practicable for such purpose.

10. ISSUE AND APPROPRIATION OF BONDS.] SEC. 4. That, for the purpose of carrying out the improvement specified in the foregoing sections, the board of public works be, and they are hereby, authorized to issue two hundred and fifty bonds, of the denomination of one thousand dollars each, to be dated July 1st, 1865, and payable in New York twenty-five years after the date thereof, with coupons for interest at the rate of seven per centum per annum, payable semi-annually in New York, the said bonds to be issued in conformity with the provisions of an act of the general assembly of the state of Illinois, approved February 15th, 1865, and entitled "An act to amend an act entitled 'An act to reduce the city charter of the city of Chicago, and the several acts amendatory thereof, into one act and to revise the same,' approved February 13th, 1863."

An ordinance for dredging the Healey slough.

[Passed January 30, 1866.]

11. PREAMBLE.] WHEREAS: The locality known as Healey slough, hereafter more particularly described, is in a filthy, offensive and unwholesome condition, and is dangerous to the health of the inhabitants of the city of Chicago; therefore,

Be it ordained by the Common Council of the city of Chicago :

12. HEALEY SLOUGH DECLARED A NUISANCE.] SECTION 1. That Healey's slough, within the limits described in the following section, is hereby declared to be a nuisance, and it is ordered that said nuisance be abated and removed.

[3. THE SLOUGH TO BE DREDGED.] SEC. 2. That for the removal of nuisance said Healey's slough be dredged out from the street line of river street to the north line of Lyman street, so that there shall be a channel seven feet in the base, seventy-five feet at the water surface and twelve feet deep, said channel to be made along the centre of said slough as shown on the accompanying plan as near as may be, and the work to be done under the direction of the board of public works.

[4. ASSESSMENT ORDERED.] SEC. 3. That the sum of twenty-nine thousand four hundred and fifty dollars (\$29,450) be assessed by the commissioners of the board of public works, upon the real estate chargeable with removal of said nuisance according to the provisions of the revised charter as amended, in such cases made and provided, and that said sum, when collected, or as much thereof as may be necessary for that purpose, be applied to the payment of the expense of said work.

[5. AMOUNT ASSESSED TO BE PAID IN.] SEC. 4. That before the work is commenced the property owners chargeable with the assessment made by this ordinance, be required to pay into the city treasury the amount of said assessment, or guarantee the payment of the same to the satisfaction of the board of public works.

ordinance for straightening and widening the south branch in the vicinity of Twelfth street, etc.

[Passed September 17, 1866.]

it ordained by the Common Council of the city of Chicago:

[6. RIVER TO BE STRAIGHTENED AT TWELFTH STREET.] SECTION 1. That the south branch of the Chicago river both north and south of Twelfth street be, and is hereby, ordered straightened and widened, and the dock line reestablished in accordance with the map appended, entitled "map showing proposed new bridge and river improvement at Twelfth street," and that the same be dredged and deepened to a depth of twelve feet below standstill water, in accordance with the plan hereto annexed.

[7. COST TO BE ASSESSED.] SEC. 2. That an appraisal of the damages and recompense due to the owners of the real estate, necessary to be taken for improvement, be forthwith made, in accordance with the provisions of the revised charter, and the same be assessed, together with the costs of the proceedings and the estimated expense of said dredging and deepening, upon the real estate deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel; and that the proceeds of said assessment, when collected, be applied to the payment of the damages awarded to the property appropriated and the costs of said proceedings, and the cost of said dredging and deepening of the river.

[8. REPEALING CLAUSE.] SEC. 3. That the ordinance passed by the common council September 7, 1863, ordering the improvement of the south branch of the Chicago river, north and south of Twelfth street be, and the same is hereby, repealed.

An ordinance for establishing dock line and dredging south side of Chicago river at the locality therein named.

[Passed October 8, 1866.]

Be it ordained by the Common Council of the city of Chicago :

19. DOCK LINE SOUTH SIDE CHICAGO RIVER ESTABLISHED.] SECTION

1. That the dock line of Chicago river, on the south side thereof, between the points herereinafter named, is established as follows, viz: Said dock line shall commence at a point on the easterly boundary of lot seven (7), block two (2) of Fort Dearborn addition to Chicago, eighty-seven and one-half ($87\frac{1}{2}$) feet from the southeast corner of said lot, and shall run thence in a straight line until it intersects a line drawn from the north line of lot three (3) in said block two (2), commencing at a point fourteen (14) feet east of the west line of said lot three (3), and running at right angles with said north line in accordance with the plan hereto annexed, and that the river in front of said dock line be dredged and deepened to a depth of twelve (12) feet below standard low water.

20. ASSESSMENT FOR EXPENSE OF DREDGING ORDERED.] SEC. 2.

That an appraisal of the damages and recompense due to the owners of the real estate necessary to be taken for said improvement be forthwith made in accordance with the provisions of the revised charter, and the same to be assessed, together with the costs of the proceedings and the estimated costs of said dredging and deepening, upon the real estate deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel, and that the proceeds of said assessment when collected be applied to the payment of the damages awarded for the property appropriated and the costs of said proceedings, and the costs of said dredging and deepening of the river.

An ordinance authorizing the board of public works to contract for a portion of the Illinois and Michigan canal, and to issue two hundred and fifty bonds of the denomination of one thousand dollars each therefor.

[Passed July 22, 1867.]

Be it ordained by the Common Council of the city of Chicago :

21. BOARD OF PUBLIC WORKS TO CONTRACT FOR DEEPENING CANAL.] SECTION 1.

That the board of public works are hereby authorized to contract for the construction of section one (1) to sixteen (16), inclusive, of the Illinois and Michigan canal, at a price per cubic yard for the material to be removed not exceeding fifty-five (55) cents; and to contract for the construction of section forty-five (45) to sixty-four (64), inclusive, of said canal, at prices not exceeding two dollars and twenty-five cents per cubic yard (\$2.25) for embodied rock to be removed, and one dollar (\$1) per cubic yard for loose rock and earth deposit to be removed; said work to be done according to the plan adopted by the board of public works and approved by the common council by the ordinance passed June 5, 1865.

22. ISSUE OF BONDS AUTHORIZED.] SEC. 2. That the board of public works are hereby authorized to issue, from time to time, as shall be necessary, two hundred and fifty bonds (250) of the denomination of one thousand dol-

s each, to be dated July 1, 1867, and payable in New York twenty-five
ars after the date thereof, with coupons for interest at the rate of seven per
ntum per annum, payable semi-annually, in New York; the said bonds to
issued in conformity with the provisions of an act of the general assembly
the state of Illinois, approved February 15, 1865, and entitled, "An act
amend an act entitled 'An act to reduce the charter of the city of Chicago,
d the several amendments thereof, into one act, and revise the same,' ap-
oved February 13, 1863," the proceeds of said bonds to be applied to the
rposes specified in the foregoing section.

esolutions in relation to Healey slough and a railroad bridge over the same.

[Adopted February 15, 1869.]

23. PREAMBLE.] WHEREAS: The arm of the Chicago river, known as
ealey slough, has been and is, now, obstructed by a bridge erected and
aintained over it, by piles driven in its channel and by stone and other
aterials deposited therein by the Chicago, Alton & St. Louis Railroad Com-
ny, or its agents, so that the natural width of the stream has been reduced
m about seventy feet to about eight or ten feet, and its depth reduced from
mewhere between six and ten feet to almost nothing at the point at which
e obstructions have been placed, thus checking the flow of the stream and
using a deposit of the sedimentary matter of the stream which has become
ensive, dangerous and positively injurious to the health of the public, as
own by the report of the board of health in relation thereto; and,

WHEREAS: These obstructions are otherwise injurious to the public and
e owners of property situated upon said stream, by preventing desirable
d necessary improvements, by retarding the development of the commercial
d manufacturing facilities of the district and depreciating the value of prop-
ty; and,

WHEREAS: These obstructions were placed where they now are, without
rmission of the city of Chicago or of the property owners interested and
violation of an agreement entered into by the agents of the Joliet & Chi-
go Railroad Company and the commissioners of highways for the town of
outh Chicago, as shown by the affidavits of said commissioners presented to
e common council of Chicago; and,

WHEREAS: The common council did, on the 7th day of September, pass
order directing the board of public works to notify the Chicago, Alton &
t. Louis Railroad Company to remove the structure now maintained by said
mpany across said stream and to erect in its stead a swinging bridge of
efficiently ample dimensions to admit of the safe and easy passage of all
essels entering the harbor and to make such changes as speedily as possible;
nd,

WHEREAS: The Chicago, Alton & St. Louis Railroad Company have ex-
ressed their intention not to comply with the wishes of the council, as set
orth in the order passed by them; and,

WHEREAS: The common council are empowered by charter to define and
declare what shall be deemed nuisances, and to authorize and direct the sum-
mary abatement thereof (chapter 4, § 33, general powers), and are also

board of public works be, and they are hereby, ordered to widen the river at Adams street bridge as per plat accompanying this order, the excess of the present appropriation to be provided for in next year's appropriation.

An ordinance authorizing the issue of one thousand bonds of one thousand dollars each for the deepening of the Illinois and Michigan canal.

[Passed June 20, 1870.]

Be it ordained by the Common Council of the city of Chicago :

30. RIVER IMPROVEMENT BONDS.] SECTION 1. That the board of public works are hereby authorized to issue, from time to time as shall be necessary for the purposes hereinafter specified, one thousand (1,000) river improvement bonds of the denomination of one thousand dollars (\$1,000) each, to bear date July 1, 1870, and to be made payable July 1, 1895. Said bonds will be issued with coupons for interest at the rate of seven per centum per annum, payable semi-annually January 1 and July 1 in each year, both principal and interest to be paid in New York. Said issue will be made in conformity with the provisions of an act of the general assembly of the state of Illinois, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city, and also to purchase or lease grounds and erect school-houses in said city, and for cleansing the Chicago river." The proceeds of said bonds will be applied to the deepening of the Illinois and Michigan canal, according to the plan adopted by the common council of the city of Chicago, by ordinance passed June 5, 1865.

An ordinance vacating that part north of the west branch of the south branch of the Chicago river of Canalport.

[Passed May 12, 1871.]

Be it ordained by the Common Council of the city of Chicago :

31. VACATION OF PART OF THE WEST BRANCH OF SOUTH BRANCH.] SECTION 1. That that part north of the west branch of the south branch of the Chicago river of Canalport (being the N. E. $\frac{1}{4}$ and S. E. $\frac{1}{4}$ and E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of section 30, 39, 14 E.) as shown on plat hereto annexed, marked "Exhibit B," be, and the same is hereby, vacated: *Provided*, this ordinance shall not take effect until the premises herein described shall be replatted in accordance with the plat hereto annexed, marked "Exhibit B," and a plat showing the same, shall be placed on record, dedicating to public use the streets, avenues, and portions of the same, as shown on said annexed plat marked "Exhibit B," and colored brown, and until there shall be made and placed on public record a plat defining and establishing the north dock line of the west branch of the south branch of the Chicago river, from the center of Ashland avenue or Reuben street, to the center of Leavitt street, in accordance with the representation of said dock line, as shown in a brown line marked, "Proposed new dock line," on plat hereto annexed, marked "Exhibit C."

32. PLATS PART OF ORDINANCE.] SEC. 2. That the plats hereto an-

nexed, marked, respectively, "Exhibit A," "Exhibit B" and "Exhibit C," be, and the same are hereby, made a part of this ordinance.

Ordinance providing for the widening of the south branch of the Chicago river in the vicinity of Polk street.

[Passed July 24, 1871.]

Be it ordained by the Common Council of the city of Chicago :

33. RIVER TO BE WIDENED NEAR POLK STREET.] SECTION 1. That so much of block eighty-seven, school section addition to Chicago, as lies west of a straight line commencing in the south line of said block three hundred and eighty feet west of the east line thereof and running thence in a northerly direction to a point in the north line of said block four hundred and fifty feet west of the east line thereof, and so much of block eighty-eight, school section addition to Chicago, as lies west of a straight line commencing in the south line of said four hundred and fifty feet west of the east line thereof, and running thence in a northerly direction to a point in the north line of said block, five hundred and five feet west of the east line thereof be, and the same are hereby set apart and appropriated for the widening of the south branch of the Chicago river: *Provided, however,* that this ordinance shall not take effect until there shall be paid and credited to the school fund of the city of Chicago the sum of eleven thousand seven hundred and ninety-five dollars, in payment for the land above appropriated.

An ordinance authorizing the sale of two hundred and fifty thousand dollars of canal redemption bonds.

[Passed December 11, 1871.]

Be it ordained by the Common Council of the city of Chicago :

34. SALE OF CANAL REDEMPTION BONDS AUTHORIZED.] SECTION 1. That the comptroller of the city of Chicago be, and he is hereby, authorized to negotiate and sell two hundred and fifty thousand dollars (\$250,000) of canal redemption bonds, which may be delivered to the city authorities under an act of the general assembly of the state of Illinois, passed A. D. 1871, entitled "A bill for an act to relieve the lien of the city of Chicago upon the Illinois and Michigan canal and revenues, by refunding to said city the amount expended by it in making the improvement contemplated of the Illinois and Michigan canal upon the plan adopted by the State in 1836; approved February 16, 1865, together with the interest thereon, as authorized by section five of said act, and to provide for issuing bonds therefor:" *Provided, however,* said bonds shall not be sold at less than par. The proceeds of said bonds shall be applied to the payment of accruing interest upon bonds of the city of Chicago.

35. WHEN IN FORCE.] SEC. 2. This ordinance shall be in force from and after its passage.

CHAPTER 20.

SCHOOL FUND.

SOURCES.

1. Agreement of city and Jonathan Y. Scammon.
2. Investment of school fund in city bonds authorized.
3. School construction bonds authorized.
4. School fund to be invested in water loan bonds.
5. Issue of school construction bonds.
6. Loan for school fund authorized.
7. Appropriation of the sum borrowed.
8. To be repaid from proceeds of bonds.
9. School construction bonds to be issued.
10. Issue of bonds authorized.
11. Investment of Mosely fund authorized.

SINKING.

12. Bonds to be issued.
13. Issue of bonds.
14. Bonds to be issued.
15. Form of bonds.
16. Investment of Burr fund authorized.
17. Investment of funds authorized.
18. Bonds authorized.
19. Form of bonds.
20. Investment of funds authorized.
21. Investment of Jonathan Burr fund authorized.
22. Issue of bonds.
23. Re-issue of bonds destroyed authorized.

Contract under compromise relating to deposits of certain moneys.

[Executed August 25, 1862.]

1. COMPROMISE AGREEMENT.]

CITY COMPTROLLER'S OFFICE,
CHICAGO, August 25, 1862. }

It is hereby agreed by and between the city of Chicago and J. Young Scammon that said Scammon shall and will pay to the said city the sum of fifty-six thousand three hundred and eighty-seven dollars and twenty-four cents, in weekly payments of five thousand dollars each (except the last, which will be six thousand three hundred and eighty-seven dollars and twenty-four cents), unless hereafter otherwise agreed, commencing September 1, A. D. 1862, and said payments when fully made as aforesaid, time being of the essence of this contract, shall be in full satisfaction and discharge of all claims and demands of the said city of Chicago upon the Marine Bank of Chicago and the Chicago Marine Fire Insurance Company on account of deposits by said city or any of its officers, or the late board of sewerage commissioners, with said bank to the credit of the sewerage fund of the balance of said deposits, amounting to \$58,882.84, and also on account of deposits to the credit of the school tax fund of said city, the balance of said last named deposits being \$3,392.68. Of the sums herein provided to be paid \$52,994.56 is to be in settlement of the account for said sewerage fund deposits and \$3,392.68 in settlement of the account for said school tax fund deposits.

This settlement when consummated by the payment of said sums as aforesaid, will be a full and final discharge of said bank and insurance company from all liabilities to said city or its authorities for any deposits made with either or both of said institutions.

by 1st, 1866, and payable, in the city of New York, twenty years after the date thereof, with coupons, for interest at the rate of seven (7) per cent. per annum, payable semi-annually in said city of New York; said bonds to be issued in conformity with section thirty-one of the amendments to the charter of the city of Chicago, approved February 15th, 1865.

An ordinance authorizing a loan of money for the purchase of school lots, etc.

[Passed June 4, 1866.]

Be it ordained by the Common Council of the city of Chicago :

6. A LOAN FOR SCHOOL FUND AUTHORIZED.] SECTION 1. That the comptroller of said city of Chicago be, and he is hereby, authorized and empowered to borrow a sum not exceeding eighty thousand dollars at a rate of interest not exceeding ten per cent. per annum, and to issue bonds or certificates of indebtedness therefor payable within twelve months after the dates thereof.

7. APPROPRIATION OF THE MONEY BORROWED.] SEC. 2. That the money so raised shall be placed by him to the credit of the school fund, and the same is hereby appropriated exclusively for the purpose of purchasing lots for, and building school houses and fitting and furnishing the same within said city.

8. LOAN TO BE REPAID FROM PROCEEDS OF BONDS.] SEC. 3. That the proceeds of the twenty-five bonds of one thousand dollars each authorized to be issued under the provisions of section thirty-one (31) of the act approved February 15, 1865, entitled "An act to amend an act entitled an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof into one act, and to revise the same," approved February 13, 1865, and so much of the three mill tax provided in section twenty-nine (29) of said act in force February 15, 1865, for like purposes, to be levied for the year 1866, as may be necessary, are hereby set apart, and appropriated for the payment of the bonds, or certificates issued, and negotiated in pursuance with this ordinance.

An ordinance authorizing the issue of school construction bonds.

[Passed January 14, 1867.]

Be it ordained by the Common Council of the city of Chicago :

9. ISSUE OF SCHOOL CONSTRUCTION BONDS.] SECTION 1. That for the purpose of erecting new buildings for the accommodation of the schools, the mayor and comptroller are authorized and empowered to issue twenty-five bonds, of the denomination of one thousand dollars each, to be dated January 1, 1867, and payable, in the city of New York, twenty years after the date thereof, with coupons for interest, at the rate of seven (7) per cent. per annum, payable semi-annually in said city of New York; said bonds to be issued in conformity with section thirty-one of the amendments to the charter of the city of Chicago, approved February 15, 1865.

An ordinance authorizing the issue of school bonds.

[Passed May 8, 1867.]

Be it ordained by the Common Council of the city of Chicago:

10. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That for the purpose of purchasing and improving school grounds, and erecting or constructing school houses, the mayor and comptroller are hereby authorized and empowered to issue and negotiate from time to time in their discretion, the bonds of the city of Chicago to the amount of two hundred thousand dollars (\$200,000). Said bonds shall be issued in denominations of five hundred dollars (\$500) or one thousand dollars (\$1,000) each, as the mayor and comptroller may deem to the best interest of the city, to be dated April 1st, A. D. 1867, and payable in the city of New York twenty (20) years after the date thereof, with coupons for interest, at the rate of seven (7) per centum per annum, payable semi-annually, on the first day of July and the first day of January, in said city of New York; said bonds to be issued in conformity with section five (5) of chapter seven (7) of amendments to city charter, approved March 9th, A. D. 1867.

An ordinance authorizing the investment of money belonging to the Moseley public school-book fund in bonds of the city of Chicago.

[Passed July 8, 1867.]

Be it ordained by the Common Council of the city of Chicago:

11. INVESTMENT OF MOSELY FUND.] SECTION 1. That the school agent be, and he is hereby, authorized to invest the money on hand, belonging to the Mosely public school-book fund, in bonds of the city of Chicago, at a rate not exceeding the highest price heretofore obtained for such bonds by the city.

An ordinance authorizing the issue of one hundred and fifty thousand dollars in bonds for school purposes.

[Passed December 9, 1867.]

Be it ordained by the Common Council of the city of Chicago:

12. BONDS MAY BE ISSUED.] SECTION 1. That the city comptroller be, and hereby is, authorized to issue and negotiate, from time to time, when needed, one hundred and fifty thousand dollars in bonds, in manner and form as provided in sections five and six of chapter seven of the amended city charter approved March 3, 1867.

An ordinance authorizing the issue of one hundred and fifty thousand dollars in bonds for school purposes.

[Passed June 8, 1868.]

Be it ordained by the Common Council of the city of Chicago:

13. ISSUE OF BONDS.] SECTION 1. That the city comptroller be, and he hereby is, authorized to issue and negotiate, from time to time when needed, one hundred and fifty thousand dollars in bonds in manner and form as provided in sections five and six of chapter seven of the amended city charter, approved March 3, 1867.

Ordinance authorizing the issue of bonds to the amount of \$200,000 for school purposes.

[Passed September 27, 1869.]

Be it ordained by the Common Council of the city of Chicago:

14. BONDS TO BE ISSUED.] SECTION 1. That the mayor and comptroller of the city of Chicago are hereby authorized and directed to issue and negotiate, on behalf of said city, two hundred (200) bonds of the denomination of one thousand (1,000) dollars each; said bonds will be dated September 1, 1869, and be made payable July 1, 1899. They will bear interest at the rate of seven (7) per cent. per annum, payable semi-annually on the first days of January and July in each year, both bonds and coupons for interest being payable in the city of New York.

15. FORM OF BOND.] SEC. 2. Said bonds will be issued in conformity with section three of an act of the general assembly of the state, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city, and also to purchase or lease grounds and erect school houses in said city, and for cleansing the Chicago river," and their proceeds applied to the payment of expenses of purchasing lots for school purposes and the erection of school houses and furnishing the same.

An ordinance authorizing the investment of money belonging to the "Jonathan Burr Fund" in bonds of the city of Chicago.

[Passed November 18, 1869.]

Be it ordained by the Common Council of the city of Chicago:

16. INVESTMENT OF BURR FUND.] SECTION 1. That the city comptroller be, and he is hereby, authorized and directed to invest the amount of money on hand belonging to the "Jonathan Burr fund" in bonds of the city of Chicago at a rate not exceeding the present rate obtained for such bonds by the city, and place the income of said bonds to the credit of said fund, subject to the direction of the common council.

An ordinance authorizing the investment of money belonging to the School Fund and the "Burr Fund" in bonds of the city of Chicago.

[Passed November 8, 1869.]

Be it ordained by the Common Council of the city of Chicago:

17. INVESTMENT OF FUNDS AUTHORIZED.] SECTION 1. That the school agent be, and he is hereby, authorized to invest the money on hand belonging to the principals of the school fund and the "Burr fund" in bonds of the city of Chicago, at a rate not exceeding the present rate obtained for such bonds by the city.

Ordinance authorizing the issue of bonds to the amount of \$200,000 for school purposes.

[Passed May 30, 1870.]

Be it ordained by the Common Council of the city of Chicago:

18. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That the mayor and

comptroller of the city of Chicago are hereby authorized and directed to issue and negotiate on behalf of said city, two hundred bonds (200) of the denomination of one thousand dollars each; and said bonds will be dated April 1, A. D. 1870, and be made payable July 1, A. D. 1900. They will bear interest at the rate of seven (7) per cent. per annum, payable semi-annually, on the first day of January and July in each year, both bonds and coupons for interest, in the city of New York.

19. FORM OF BONDS, ETC.] SEC. 2. Said bonds will be issued in conformity with section three of an act of the general assembly of the state, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city, and also, to purchase or lease grounds and erect school-houses in said city, and for cleansing the Chicago river," and their proceeds applied to the payment of expenses for purchasing of lots for school purposes, and the erection of school houses and furnishing the same.

An ordinance authorizing the investment of money belonging to the school fund and the "Burr fund" in bonds of the city of Chicago.

[Passed May 30, 1870.]

Be it ordained by the Common Council of the city of Chicago :

20. INVESTMENT OF FUNDS.] SECTION 1. That the school agent be, and he is hereby, authorized to invest the money on hand belonging to the principals of the school fund and the "Burr fund" in bonds of the city of Chicago, at a rate not exceeding the present rate obtained for such bonds by the city.

An ordinance authorizing the investment of money belonging to the "Jonathan Burr fund" in bonds of the city of Chicago.

[Passed May 30, 1870.]

Be it ordained by the Common Council of the city of Chicago :

21. INVESTMENT AUTHORIZED.] SECTION 1. That the city comptroller be, and he is hereby authorized and directed to invest the amount of money on hand belonging to the "Jonathan Burr fund" in bonds of the city of Chicago at a rate not exceeding the present rate obtained for such bonds by the city, and place the income of said bonds to the credit of said fund, subject to the direction of the common council.

An ordinance authorizing the issue of school bonds.

[Passed June 20, 1870.]

Be it ordained by the Common Council of the city of Chicago :

22. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That for the purpose of purchasing and improving school grounds and erecting or constructing school houses, the mayor and comptroller of the city of Chicago are hereby authorized and empowered to issue and negotiate on behalf of said city, from time to time, in their discretion, the bonds of the city of Chicago to the amount of three hundred thousand dollars (\$300,000). Said bonds shall be

n denominations of one thousand dollars (\$1,000) each ; to be dated , A. D. 1870, and payable, in the city of New York, July 1, A. D. with coupons for interest, at the rate of seven (7) per centum per annum payable semi-annually on the first day of January and July in each said city of New York ; said bonds to be issued in conformity with three (3) of an act of the general assembly of the state of Illinois, and March 10, A. D. 1869, and entitled "An act to authorize the Chicago to issue bonds," etc., etc.

Order authorizing the issue of bonds in lieu of others destroyed.

[Passed September 16, 1872.]

RE-ISSUE OF BONDS AUTHORIZED.] ORDERED: That the comptroller be is hereby, directed to re-issue in plain form the sewerage bonds of amount \$22,000, and certificates of indebtedness of the city of Chicago bearing seven per centum interest, and running twelve months from date payable to the order of the trustees of the Jonathan Burr fund for the sum of thirty-five thousand five hundred and twenty dollars (\$35,520.) and a certificate of the city for the amount of unexpended interest to the sum of three thousand two hundred and twenty-four dollars and seventy-five cents (\$3,224.75), to draw the same interest as above, payable on call to the order of the trustees of the above fund, and that it be made a part of the minutes of the committee on finance to report annually the condition of the fund.

CHAPTER 21.

SCHOOL LANDS.

able reciting litigation concerning.
promise of rents offered.
of previous payment.

SECTION.

4. When ordinance in force.
5. Compromise and settlement with lessees authorized.

Finance in regard to leases of school property situated in that part of the city in the south division known as the burnt district.

[Passed May 13, 1872.]

PREAMBLE RECITING DIFFICULTIES.] WHEREAS: Difficulties and litigation have arisen out of the appraisement made in the year 1870, of lots and lands situate in the burnt district of the south division of the city and in view of the fact that the lessees of the said school-lots and lands have suffered a great loss in improvements thereon by the great fire of October 8th, A. D. 1871,

Be it ordained by the Common Council of the city of Chicago :

2. COMPROMISE OF RENTS.] SECTION 1. That all lessees of school lots or lands situate in the burnt district of the south division, and being in the part of the south division of said city lying north of Polk street, who shall enter into an obligation, to be prepared by the corporation counsel of said city, within thirty days after signing such obligation, to pay sixty per cent. of the rent due for the first two years ending May 1, 1872, under an appraisalment of their respective lots and lands made by authority of said city in the month of May, 1870, and that a re-valuation of their said lots and lands for the three years commencing May 1, 1872, may be made by appraisers to be appointed by the common council, shall be exempt from the remaining forty per cent. of the rent of the said first two years; but it is hereby provided that said obligation may contain such covenants, terms, conditions and provisos in regard to said re-valuation, and the manner of making the same, and as to the payment of said sixty per cent. of rent, as the said corporation counsel, may deem necessary or advisable.

3. EFFECT OF GREATER PAYMENT MADE.] SEC. 2. Where any of said lessees, who shall enter into any such obligation shall have paid the rent, or any portion thereof, under protest or otherwise, the excess over said sixty per cent. of said first two years' rent may be applied as a credit on rents accruing after said first of May, 1872.

4. WHEN IN FORCE.] SEC. 3. This ordinance shall be in force from and after its passage.

Order authorizing the adjustment and compromise of claims against lessees of school lands.

[Passed September 9, 1872.]

5. COMPROMISE AND SETTLEMENT WITH LESSEES AUTHORIZED.] ORDERED: That the mayor, city comptroller and counsel to the corporation be, and they are hereby, authorized and empowered to adjust, settle and compromise with the lessees of school lots in the burned district in the city of Chicago at a ratio not less than sixty per centum on the rent due from said lessees under the appraisal made in the year 1870, charging at the rate of eight per centum per annum interest on all installments which are in arrears, and allowing the same rate of interest on all pre-payments made over and above the sixty per centum: *Provided*, that nothing herein contained shall in any manner invalidate or affect any clause, provision, or condition contained in any of said leases except the simple reduction of the rent, and this compromise shall not affect the rights of either the city of Chicago or of said lessees from and after the first day of May, A. D. 1875.

CHAPTER 22.

SLAUGHTERING.

SECTION.

1. Grant to John Reid & Co. of exclusive right of slaughtering in city limits for ten years.
2. Reid & Co. to erect suitable slaughter house.
3. Keep the premises clean.
4. Other slaughter houses in city prohibited.
5. Compensation to be charged for slaughtering.
6. Establishment to be open to inspection.
7. Liability of the city limited.
8. Bond to be executed to the city.
9. Forfeiture of franchise for neglect of ordinances.

SECTION.

10. Extension of time in which to complete building.
11. Extension of time as to prohibition of other slaughter houses.
12. Amendments not to affect obligations of J. Reid & Co.
13. Condition precedent to ordinance taking effect.
14. When ordinance in force.
15. Prior ordinances confirmed.
16. Confirmation of contracts entered into.

An ordinance concerning slaughtering within the limits of the city of Chicago.*

[Passed December 18, 1865.]

Be it ordained by the Common Council of the city of Chicago:

1. EXCLUSIVE RIGHT OF SLAUGHTERING GIVEN FOR TEN YEARS TO JOHN REID & Co.] SECTION 1. That in consideration of the acceptance by John Reid & Co., of said city, and their guaranty (provided by bond as hereinafter mentioned within ten days from the date of the passage of this ordinance) that they will faithfully comply with the provisions of this ordinance, and all existing laws and ordinances, and all laws and ordinances that may hereafter be enacted or passed relating to nuisances, authority and consent is hereby given and granted to said John Reid & Co., their heirs and assignees, for a period of ten years from the first day of April, A. D. 1866, to have the exclusive right to have all the slaughtering (except that done at the regular packing houses for packing purposes) carried on and done on their premises, described as follows, to-wit: the south half of block ten (10) in the south branch addition to the city of Chicago, in Cook county, in the state of Illinois.

2. REID & Co. TO FURNISH SUITABLE BUILDINGS AND YARDS.] SEC. 2. The said John Reid & Co. shall, before the 1st day of April, A. D. 1866, erect good, ample and complete buildings and yards, with all the necessary conveniences, fixtures and arrangements, including hot and cold water, and gas or other lights, for the slaughtering and taking care of all animals that may be brought to said place by the butchers and dealers in meat in said city; and all such butchers and dealers in meat shall, at any and all times during the continuance in force of this ordinance, have the right and

*See decision of Supreme Court of Illinois, *City of Chicago v. Rumpff*, etc., 45 Illinois Reports, 90.

privilege of slaughtering therein, on the conditions hereinafter set forth; and any butcher who kills as many as four cattle per day, shall have a bed allotted to him, and shall not, without his consent, be changed from such bed to any other, but shall have the privilege of its use at any time he shall demand it.

3. PREMISES TO BE KEPT CLEAN, ETC.] SEC. 3. The said John Reid & Co. shall keep said buildings and yards and premises in good condition, and daily take and dispose of all the filth, manure and garbage, as is now or may hereafter be required by the ordinances or laws now in force, or that may hereafter be enacted or passed concerning nuisances.

4. OTHER SLAUGHTER-HOUSES NOT ALLOWED IN CITY LIMITS.] SEC. 4. After the first day of April, A. D. 1866, no other slaughtering establishment or establishments shall be suffered or permitted within the limits of the city of Chicago, nor shall any slaughtering by butchers or others be suffered or permitted, except as provided in section one of this ordinance, under a penalty of not less than twenty-five dollars nor exceeding one hundred dollars for each and every offense: *Provided*, that the city shall have the right to establish at any time hereafter, two additional slaughter-houses, one to be located in the west division, and one in the north division.

5. COMPENSATION FOR SLAUGHTERING.] SEC. 5. The said John Reid & Co. are hereby authorized to charge for the use of their buildings, yards, water, gas or other lights, and all the arrangements, machinery and appointments of said slaughter-house, for each head of cattle, hogs, calves and sheep, the usual offal, and no other pay or compensation, and the parties slaughtering therein shall pay the United States revenue tax chargeable upon such slaughtering.

6. ESTABLISHMENT OPEN TO INSPECTION.] SEC. 6. The said John Reid & Co. shall at all times keep and employ at their own expense at said slaughtering establishment, one or more special policemen; and said slaughtering establishment, and every department thereof, shall at all times be open to the inspection of the city health officer or any of his deputies.

7. LIABILITY OF THE CITY LIMITED.] SEC. 7. The city of Chicago shall only be answerable to said John Reid & Co. to the extent of the exercise of reasonable diligence in enforcing that portion of sections one and four of this ordinance, which gives and grants unto said John Reid & Co. the exclusive right to have all slaughtering within the limits of the city of Chicago done at the said slaughtering-house of said John Reid & Co., subject to the conditions and exceptions expressed in said sections one and four of this ordinance. And in case this ordinance or any part thereof shall be declared inoperative or void by the supreme court of the state of Illinois, then and in that event the city of Chicago shall not in any case be held answerable to said John Reid & Co. for any damages they may sustain by the failure or neglect of the city of Chicago to enforce this ordinance or such parts as may be declared inoperative or void by said supreme court.

8. PENAL BOND TO THE CITY.] SEC. 8. That said John Reid & Co. shall, within ten days after the passage of this ordinance, execute to the city of Chicago a bond, with two or more securities, to be approved by the mayor,

in the penal sum of ten thousand dollars, conditioned that they will well and truly perform and abide by all the provisions of this ordinance and by the provisions of any other ordinances or laws that hereafter may be passed or enacted concerning nuisances.

9. FORFEITURE WHEN.] SEC. 9. If at any time during the continuance in force of this ordinance, said John Reid & Co. shall suffer or permit the slaughter-house hereby authorized to be established, to become a nuisance, and it shall be so adjudged by any court of record, or declared by the common council, then and in that event, the common council shall have the right to repeal this ordinance, and annul the rights and privileges hereby granted.

An ordinance to amend sections two and four of an ordinance entitled "An ordinance concerning slaughtering within the limits of the city of Chicago," etc.

[Passed March 19, 1866.]

Be it ordained by the Common Council of the city of Chicago:

10. EXTENSION OF TIME TO COMPLETE BUILDING.] SECTION 1. That section two of an ordinance, entitled, "An ordinance concerning slaughtering within the limits of the city of Chicago," passed December, 18, 1865, be, and the same is hereby, so amended, that the time for the completion of the yards and buildings therein mentioned, to be constructed and finished by John Reid & Co., be extended until the first day of May, 1866.

11. TIME EXTENDED FOR OTHER SLAUGHTER-HOUSES.] SEC. 2. That section four of said ordinance be also amended, so that the time therein limited, shall be extended to the first day of May, 1866.

12. AMENDMENTS NOT TO AFFECT OBLIGATION OF REID & Co.] SEC. 3. That these amendments shall not be held or construed to alter, change, modify or qualify any of the other provisions of the said ordinance so amended, nor in any way to alter, change, or release the said John Reid & Co. from any other liability imposed or created by virtue of the ordinance thus amended.

13. CONDITION PRECEDENT OF EFFECT IN ORDINANCE.] SEC. 4. That this ordinance shall not take effect or be of any validity until the said John Reid & Co., and their sureties, shall execute a writing to the city of Chicago, expressly giving their consent to and acceptance of this amended ordinance, and file the same in the office of the city clerk of said city.

14. WHEN IN FORCE.] SEC. 5. This ordinance shall take effect and be in force from and after the execution and filing of the writing aforesaid in said city clerk's office and not otherwise.

An ordinance to confirm an ordinance entitled, "An ordinance concerning slaughtering within the limits of the city of Chicago," passed December 18, 1865.

[Passed July 29, 1867.]

Be it ordained by the Common Council of the city of Chicago:

15. CONFIRMS PRIOR ORDINANCES.] SECTION 1. That an ordinance entitled "An ordinance concerning slaughtering within the limits of the city

of Chicago," passed December 18, 1865, and all ordinances to amend the same, or any part thereof, and all ordinances to amend any ordinance amendatory of the said first mentioned ordinance, are hereby declared to be of full force and effect.

16. CONFIRMS THE RESULTING CONTRACTS.] SEC. 2. All contracts heretofore entered into between the city of Chicago and John Reid & Co. by the passage of the said ordinances, or any of them, and the acceptance of the same, or any of them, by the said John Reid & Co., or under or in virtue of the said ordinances, or any of them, and also all obligations heretofore executed by the said John Reid & Co. to the city of Chicago, by virtue of, or in accordance with the provisions of said ordinances, or any of them, are hereby confirmed.

CHAPTER 23.

TAX LISTS.

SECTION 1. Collector to enter names on tax warrants, when.

An ordinance to correct the names of owners of real estate in the city of Chicago upon the tax lists.

[Passed November 11, 1867.]

Be it ordained by the Common Council of the city of Chicago:

1. CITY COLLECTOR MAY CORRECT ERRORS IN WARRANT.] SECTION 1. That hereafter when any tax is paid upon any lot, part of lot, sub-lot or parcel of land in the city of Chicago, the collector shall enter the owner name in its proper place upon the tax warrant, if not correctly there at the time of such payment.

CHAPTER 24.

TELEGRAPHS.

SECTION.

1. Atlantic and Pacific Tel. Co. authorized to erect poles on streets named.
2. And on other streets.
3. Position of poles on streets prescribed.
4. Franchise restricted by other ordinances.
5. Duration of franchise.
6. Pacific and Atlantic Tel. Co. authorized to erect poles on streets named—Conditions.
7. Position of poles on streets prescribed.

SECTION.

8. Franchise subjected to ordinances.
9. Police telegraph authorized.
10. Contract to be let—Compensation how to be made.
11. Appropriation to meet payments.
12. Telegraph boxes, how to be located.
13. When ordinance in force.
14. United States Tel. Co. may construct lines—Proviso.

An ordinance authorizing the Atlantic and Pacific Telegraph Company to erect telegraph poles in the city of Chicago.

[Passed May 18, 1868.]

Be it ordained by the Common Council of the city of Chicago :

1. ATLANTIC AND PACIFIC COMPANY MAY ERECT POLES.] SECTION 1. That the Atlantic and Pacific Telegraph Company is hereby authorized to erect telegraph poles in the streets of the city of Chicago, as hereinafter specified, and to construct and maintain a line or lines of telegraph in connection with the same, viz. : On the north side of Egan avenue, from State street to Wentworth avenue ; on the west side of Wentworth avenue, from Egan avenue to Seventeenth street ; on the north side of Seventeenth street, from Wentworth avenue to State street ; on the west side of State street, from Seventeenth street to Washington street ; on the south side of Washington street, from State street to La Salle street. The telegraph poles erected along the streets specified in this section, and which will be north of Thirty-first street shall be planed and painted.

2. OTHER STREETS NAMED.] SEC. 2. Authority is also hereby given to said company to erect telegraph poles and to maintain a line or lines of telegraph thereon, on the north side of Egan avenue, from Wentworth avenue to Western avenue, and on the east side of Western avenue, from Egan avenue to West Fullerton avenue.

3. POSITION OF POLES.] SEC. 3. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of constructing said telegraph lines, as to the length of the poles, their position, and otherwise, shall be as the board of public works shall direct.

4. PRIVILEGE SUBJECT TO ORDINANCES.] SEC. 4. All the proceedings of said telegraph company, under this ordinance, shall be subject to any ord-

inance relative to the same which may hereafter be passed by the common council of the city of Chicago.

5. DURATION OF FRANCHISE.] SEC. 5. The grants and privileges herein conferred shall expire and determine twenty years from the date of the passage hereof.

An ordinance authorizing the Pacific and Atlantic Telegraph Company of the United States to erect telegraph poles, etc.

[Passed September 6, 1869.]

Be it ordained by the Common Council of the city of Chicago :

6. PACIFIC AND ATLANTIC TELEGRAPH COMPANY MAY ERECT POLES.] SECTION 1. That the Pacific and Atlantic Telegraph Company of the United States, is hereby authorized to erect telegraph poles on the streets of the city of Chicago, as hereinafter specified, and to construct and maintain a line or lines of telegraph in connection with the same, viz.: On Halsted street, from Egan avenue to Twenty-sixth street. On Twent-sixth street, from Halsted street to Wentworth avenue. On Wentworth avenue, from Twenty-sixth street to Twenty-second street. On Twenty-second street, from Wentworth avenue to Burnside street. On Burnside street, from Twenty-second street to Fourteenth street. On Fourteenth street, from Burnside street to Fourth avenue. On Fourth avenue, from Fourteenth street to Polk street. On Polk street, from Fourth avenue to Griswold street. On Griswold street, from Polk street to Jackson street. On Jackson street, from Griswold street to La Salle street. On the east side of La Salle street, from Jackson street to Washington street, and thence to such places on La Salle, Washington or Clark streets as said company shall select for their general offices, the precise route to be determined by the board of public works. The telegraph poles erected along the streets specified in this section, and which will be north of Thirty-first street, shall be planed and painted.

7. POSITION OF POLES DESIGNATED.] SEC. 2. The poles hereby authorized to be erected shall be placed at the edge or curb of the sidewalk, and the whole manner of placing the same, and the manner of constructing said telegraph lines, as to the height, size and kind of poles, their position on the streets named herein and otherwise, shall be as the board of public works shall direct.

8. FRANCHISE SUBJECT TO ORDINANCES.] SEC. 3. All the proceedings of said telegraph company under this ordinance shall be subject to any ordinance relative to the said telegraph line, which may hereafter be passed by the common council of the city of Chicago.

An ordinance to provide for the construction of a fire alarm, police and water telegraph in and for the city of Chicago.

[Passed April 25, 1864.]

Be it ordained by the Common Council of the city of Chicago :

9. CONSTRUCTION OF POLICE TELEGRAPH AUTHORIZED.] SECTION 1. That the board of public works be, and they are hereby, authorized and empowered to contract, in the name and in behalf of the city of Chicago, for

immediate construction of a fire alarm, police, and water telegraph, in for said city; said telegraph to be constructed in accordance with the plan herewith submitted for that purpose by John F. Kennard & or that of any other responsible company or party, but subject to such modification of the details thereof as to the said board of public works shall be expedient.

0. CONTRACT TO BE LET—COMPENSATION, HOW TO BE MADE.] SEC.

Said contract shall be let to some skillful and responsible party or parties at such price, not exceeding seventy thousand dollars, as may be agreed upon.

The work shall be done under the superintendence and subject to the approval of the board of public works, and the payments therefor shall be made as follows: On the satisfactory completion of the whole work, and the presentation to the city comptroller of a certificate of the completion and acceptance thereof, signed by the board of public works, the said contractor shall be entitled to receive a sum equal to the entire amount that shall then be accumulated in the city treasury to the credit of the special fund provided for by section eight, chapter twelve, of the revised charter, for a fire-alarm telegraph; and the balance of the contract price shall be payable, in successive annual installments, at the expiration of each and every year, ensuing the date of the aforesaid certificate, of ten thousand dollars each (provided so much shall remain due) until the whole amount shall have been fully paid; said deferred payments to bear interest at the rate of six per cent. per annum from the date of said certificate, payable semi-annually. But the contractor shall be reserved to the city, in and by said contract, to make such additional payments, on the first day of January and July of each or any year, as may be prepared and choose to make.

1. APPROPRIATION TO PAY FOR.] SEC. 3. The whole amount now in the treasury of said city standing to the credit of the fire-alarm telegraph aforesaid, together with seven-eighths of the entire proceeds of all fire insurance rates that shall be hereafter paid into the city treasury, agreeably to the provisions of the revised charter, are hereby appropriated to provide for the cost and expense of the work hereby authorized, and to meet the payments for the same in the manner, and at the times, contemplated and provided for in the foregoing section. In case the said fund should be insufficient available to meet any one or more of said deferred payments, or the interest accruing thereon, when the same shall have matured, such deficiency shall be supplied from the general fund of said city; but the said general fund shall be reimbursed, for all such advances, from the proceeds of said insurance as soon as a sufficient amount shall have accumulated for that purpose.

2. BOXES, HOW TO BE LOCATED.] SEC. 4. That a committee of three, composed of one from each division, to be appointed by the president, together with the chief engineer of the fire department, shall together meet the board of public works, and locate the boxes mentioned in the proposed plan of a fire-alarm telegraph.

3. WHEN IN FORCE.] SEC. 5. This ordinance shall take effect from its passage.

An ordinance concerning the United States Telegraph Company.

[Passed September 21, 1863.]

Be it ordained by the Common Council of the city of Chicago :

14. U. S. TEL. CO. MAY CONSTRUCT LINES.] SECTION 1. That United States Telegraph Company is hereby authorized to construct and maintain a line or lines of telegraph through the streets, and under the bed of Chicago river and its branches, so as in nowise to interfere, now or hereafter, with the navigation of said river and its branches; the line or lines to be constructed along such streets, and across the river or branches, at such points and in such manner, as to the kind and position of the telegraph poles, the height of the wires above the streets, and in all other particulars, as the board of public works may direct: *Provided, however,* that all the doings of said telegraph company under this ordinance shall be subject to any ordinance which may hereafter be passed by the council concerning the same.

CHAPTER 25.

TUNNELS.

LAKE TUNNEL.

SECTION.

1. Tunnel (water works) under Lake Michigan authorized.

SECTION.

2. Bonds appropriated for.
3. Other bonds appropriated for.

An ordinance authorizing the construction of a tunnel under Lake Michigan etc.

[Passed October 5, 1863.]

Be it ordained by the Common Council of the city of Chicago :

1. LAKE TUNNEL AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized to extend the inlet pipe of the water works two miles out into Lake Michigan, by the construction of a brick tunnel under the bed of the lake, according to the specifications prepared by the board of public works for the same, entitled "specifications for lake tunnel," as appended herewith, and to contract for the doing of the work.

2. APPROPRIATION OF BONDS.] SEC. 2. The board of public works are hereby authorized to issue one hundred and fifty (150) water loan bonds, the denomination of one thousand dollars each, to be dated July 1st, 1866 and payable in New York July 1st, 1888, with coupons attached for interest, at the rate of seven per cent. per annum, payable semi-annually in New York, the said bonds to be issued in conformity with the provisions of an act of the general assembly of the state of Illinois, entitled "An act i

amendment of, and supplemental to, an act, entitled 'An act to incorporate the Chicago City Hydraulic Company,' approved February 16, 1857: and also of an act of the general assembly of the state of Illinois, entitled 'An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same,' approved February 13, 1863.

3. OTHER BONDS APPROPRIATED.] SEC. 3. The board of public works are hereby authorized to issue, in addition to the bonds above named, two hundred and twenty-five (225) water loan bonds, of the denomination of one thousand dollars each, to be dated July 1st, 1864, and payable, in New York twenty-five years after the date thereof, with coupons for interest at the rate of seven per cent. per annum, payable semi-annually in New York, the said bonds to be issued in conformity with the provisions of an act of the general assembly of the state of Illinois, entitled "An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," approved February 13th, 1863.

LA SALLE STREET (RIVER) TUNNEL.

SECTION.

1. Tunnel authorized to be constructed.
2. Issue of bonds authorized.
3. Proceeds of sale of bonds appropriated.

SECTION.

4. Further issue of bonds authorized.
5. Appropriation of their proceeds.

An ordinance authorizing the construction of a tunnel under the Chicago river at La Salle street and the issue of bonds therefor.

[Passed August 16, 1869.]

Be it ordained by the Common Council of the city of Chicago :

1. TUNNEL TO BE CONSTRUCTED.] SECTION 1. That the board of public works are hereby directed to proceed with the construction of a tunnel under the Chicago river, in the city of Chicago, at La Salle street, causing said work to be executed by contract in manner as provided by law, and according to plans and specifications to be adopted by said board.

2. ISSUE OF BONDS AUTHORIZED.] SEC. 2. That the comptroller of said city is hereby authorized and directed to issue and negotiate, in the name and on behalf of said city, two hundred and thirty (230) bonds of the denomination of one thousand dollars each, for the term of thirty years, bearing interest at the rate of seven per centum per annum, payable semi-annually on the first days of January and July of each year, interest and principal being payable in New York; said bonds will be issued in accordance with the provisions of an act of the general assembly of the state of Illinois, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city; and also to purchase or lease grounds and erect school houses in said city, and for cleansing the Chicago river."

3. PROCEEDS OF BONDS APPROPRIATED.] SEC. 3. That the proceeds

of the sale of said bonds are hereby set apart, and appropriated exclusively, to the carrying out of the purposes of the foregoing section.

Ordinance authorizing the issue of bonds for the La Salle street tunnel.

[Passed June 6, 1870.]

Be it ordained by the Common Council of the city of Chicago :

4. FURTHER ISSUE OF BONDS.] SECTION 1. That the comptroller of the city of Chicago is hereby authorized and directed to issue and negotiate, in the name and on behalf of said city, three hundred (300) bonds of the denomination of one thousand dollars each, and for the term of thirty years. Said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually, both principal and interest being payable in New York. They will be issued in accordance with the provisions of an act of the general assembly of the state of Illinois, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city; and also to purchase or lease grounds and erect school houses in said city and for cleansing the Chicago river."

5. APPROPRIATION OF PROCEEDS.] SEC. 2. That the proceeds of the sale of said bonds are hereby set apart, and appropriated exclusively, as a fund for the construction of a tunnel under the Chicago river at La Salle street.

WASHINGTON STREET (RIVER) TUNNEL.

SECTION.

1. Portion of Adams street conditionally vacated.
2. Conditions of the vacation.
3. Proceeds of bonds appropriated for tunnel.
4. When appropriation to take effect.
5. Conveyance to be made to Pittsburgh, Fort Wayne and Chicago Railroad Company—Reserved rights of city.
6. Appropriation of proceeds of bonds for.
7. Ratification of former ordinances.
8. Tunnel authorized.
9. Conditional authority to issue bonds.
10. Proceeds of bonds appropriated.
11. Subscriptions in aid of work may be received.
12. Bonds for, to issue immediately.
13. Repeal of authority to receive aid.

SECTION.

14. Deficiency to be raised by tax.
15. Several prior ordinances repealed.
16. Issue of bonds authorized.
17. Appropriation of proceeds.
18. Repeals certain clauses.
19. When ordinance in force.
20. Issue of bonds authorized.
21. Appropriation of proceeds.
22. When ordinance in force.
23. Issue of bonds authorized.
24. Proceeds appropriated.
25. When ordinance in force.
26. Issue of bonds authorized.
27. Form of bonds.

An ordinance for the vacation of that portion of Adams street lying between Canal street and the south branch of the Chicago river, and for the construction of a tunnel at Washington street.

[Passed January 9, 1865.]

Be it ordained by the Common Council of the city of Chicago :

1. PORTION OF ADAMS STREET CONDITIONALLY VACATED.] SECTION 1. That all that portion of Adams street which lies between Canal street and the south branch of the Chicago river, be, and the same is hereby, vacated and discontinued upon the conditions hereinafter contained.

2. CONDITIONS OF THE VACATION.] SEC. 2. That the vacation herein before provided for shall take effect when and so soon as the Pittsburgh, Fort

Wayne and Chicago Railway Company shall have paid the comptroller of the city the sum of twenty thousand dollars, for the purpose of aiding in the construction of a tunnel under and across the Chicago river at Washington street, and an additional sum shall have been raised, by subscription, sufficient to make in all the sum of one hundred thousand dollars for building said tunnel, besides the proceeds of the bonds hereinafter provided for.

3. PROCEEDS OF BONDS APPROPRIATED.] SEC. 3. That the proceeds of one hundred bonds of the city of Chicago, of one thousand dollars each, bearing seven per cent. interest payable half-yearly on the first days of July and January in each year, and the principal payable twenty-five years after their date, in the city of New York, to be issued by the mayor and comptroller, for the payment of which the faith of the city is hereby pledged, be and the same are hereby appropriated for the construction of said tunnel at Washington street by the city of Chicago, under the supervision of the board of public works, in accordance with the provisions of the city charter, which tunnel shall be forever free for the passage of teams and persons.

4. WHEN APPROPRIATION TO TAKE EFFECT.] SEC. 4. That the appropriation aforesaid shall not take effect until proper authority shall be obtained, from the legislature of the state of Illinois, for the issuing of the said bonds, nor until the further sum, as provided in section two, shall be raised by subscription among the citizens and property holders, to construct said tunnel in accordance with a plan to be adopted by the board of public works.

5. CONVEYANCE TO BE MADE TO P., FT. W. AND CHI. R. CO.—RESERVED RIGHTS OF CITY.] SEC. 5. That after the payment of said sum of twenty thousand dollars, as provided in section two, by the said Pittsburgh, Fort Wayne and Chicago Railway Company, to the comptroller, and the subscription and payment of said additional subscription of eighty thousand dollars, a proper conveyance shall be executed, by said city, conveying by quit-claim all of its right, title and interest in that portion of said street, so vacated, to said company: *Provided, however,* that the right and privilege shall be and is hereby reserved to said city to construct a tunnel under the Chicago river at said Adams street at any time hereafter, and to use so much of the street hereby vacated as may be necessary for that purpose: *And provided, further,* that the right and privilege of constructing a bridge across the river at said Adams street, at any time within ten years from the completion of the tunnel first above provided for, shall be and is hereby also reserved to said city, upon refunding to said railroad company the aforesaid sum of twenty thousand dollars, and said city shall have the right to use so much of the street hereby vacated as may be necessary or convenient for that purpose; and all buildings or erections that may be placed on said premises by said railroad company, its successors or assigns, which shall interfere in any way with the full exercise or enjoyment of the rights hereby reserved to said city, shall be removed by said railroad company, its successors or assigns, at its or their own cost, and without expense to said city.

of the sale of said bonds are hereby set apart, and appropriated exclusively to the carrying out of the purposes of the foregoing section.

Ordinance authorizing the issue of bonds for the La Salle street tunnel

[Passed June 6, 1870.]

Be it ordained by the Common Council of the city of Chicago :

4. FURTHER ISSUE OF BONDS.] SECTION 1. That the comptroller of the city of Chicago is hereby authorized and directed to issue and negotiate in the name and on behalf of said city, three hundred (300) bonds of denomination of one thousand dollars each, and for the term of thirty years. Said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually, both principal and interest being payable in New York. They will be issued in accordance with the provisions of an act of the general assembly of the state of Illinois, approved March 10, 1869, and titled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewer works of said city; and also to purchase or lease grounds and erect houses in said city and for cleansing the Chicago river."

5. APPROPRIATION OF PROCEEDS.] SEC. 2. That the proceeds of the sale of said bonds are hereby set apart, and appropriated exclusively, and for the construction of a tunnel under the Chicago river at La Salle

WASHINGTON STREET (RIVER) TUNNEL.

SECTION.

- 1. Portion of Adams street conditionally vacated.
- 2. Conditions of the vacation.
- 3. Proceeds of bonds appropriated for tunnel.
- 4. When appropriation to take effect.
- 5. Conveyance to be made to Pittsburgh, Fort Wayne and Chicago Railroad Company—Reserved rights of city.
- 6. Appropriation of proceeds of bonds for.
- 7. Ratification of former ordinances.
- 8. Tunnel authorized.
- 9. Conditional authority to issue bonds.
- 10. Proceeds of bonds appropriated.
- 11. Subscriptions in aid of work may be received.
- 12. Bonds for, to issue immediately.
- 13. Repeal of authority to receive aid.

SECTION.

- 14. Deficiency to be raised by tax.
- 15. Several prior ordinances repealed.
- 16. Issue of bonds authorized.
- 17. Appropriation of proceeds.
- 18. Repeals certain clauses.
- 19. When ordinance in force.
- 20. Issue of bonds authorized.
- 21. Appropriation of proceeds.
- 22. When ordinance in force.
- 23. Issue of bonds authorized.
- 24. Proceeds appropriated.
- 25. When ordinance in force.
- 26. Issue of bonds authorized.
- 27. Form of bonds.

An ordinance for the vacation of that portion of Adams street lying between Canal street and the south branch of the Chicago river, and for the construction of a tunnel at Washington street.

[Passed January 9, 1865.]

Be it ordained by the Common Council of the city of Chicago :

1. PORTION OF ADAMS STREET CONDITIONALLY VACATED.] SEC. 1. That all that portion of Adams street which lies between Canal street and the south branch of the Chicago river, be, and the same is hereby, vacated and discontinued upon the conditions hereinafter contained.

2. CONDITIONS OF THE VACATION.] SEC. 2. That the vacation before provided for shall take effect when and so soon as the Pittsburgh

Wayne and Chicago Railway Company shall have paid the comptroller of the city the sum of twenty thousand dollars, for the purpose of aiding in the construction of a tunnel under and across the Chicago river at Washington street, and an additional sum shall have been raised, by subscription, sufficient to make in all the sum of one hundred thousand dollars for building said tunnel, besides the proceeds of the bonds hereinafter provided for.

3. PROCEEDS OF BONDS APPROPRIATED.] SEC. 3. That the proceeds of one hundred bonds of the city of Chicago, of one thousand dollars each, bearing seven per cent. interest payable half-yearly on the first days of July and January in each year, and the principal payable twenty-five years after their date, in the city of New York, to be issued by the mayor and comptroller, for the payment of which the faith of the city is hereby pledged, be and the same are hereby appropriated for the construction of said tunnel at Washington street by the city of Chicago, under the supervision of the board of public works, in accordance with the provisions of the city charter, which tunnel shall be forever free for the passage of teams and persons.

4. WHEN APPROPRIATION TO TAKE EFFECT.] SEC. 4. That the appropriation aforesaid shall not take effect until proper authority shall be obtained, from the legislature of the state of Illinois, for the issuing of the said bonds, and until the further sum, as provided in section two, shall be raised by subscription among the citizens and property holders, to construct said tunnel in accordance with a plan to be adopted by the board of public works.

5. CONVEYANCE TO BE MADE TO P., FT. W. AND CHI. R. Co.—RESERVED RIGHTS OF CITY.] SEC. 5. That after the payment of said sum of twenty thousand dollars, as provided in section two, by the said Pittsburgh, Fort Wayne and Chicago Railway Company, to the comptroller, and the subscription and payment of said additional subscription of eighty thousand dollars, a proper conveyance shall be executed, by said city, conveying by quit-claim all of its right, title and interest in that portion of said street, so vacated, to said company: *Provided, however,* that the right and privilege shall be and is hereby reserved to said city to construct a tunnel under the Chicago river at said Adams street at any time hereafter, and to use so much of the street hereby vacated as may be necessary for that purpose: *And provided, further,* that the right and privilege of constructing a bridge across the river at said Adams street, at any time within ten years from the completion of the tunnel first above provided for, shall be and is hereby also reserved to said city, upon refunding to said railroad company the aforesaid sum of twenty thousand dollars, and said city shall have the right to use so much of the street hereby vacated as may be necessary or convenient for that purpose; and all buildings or erections that may be placed on said premises by said railroad company, its successors or assigns, which shall interfere in any way with the full exercise or enjoyment of the rights hereby reserved to said city, shall be removed by said railroad company, its successors or assigns, at its or their own cost, and without expense to said city.

An ordinance for the appropriation of the proceeds of one hundred bonds for construction of a tunnel at Washington street, in accordance with the provisions of an ordinance passed by the common council on the 9th day of January, A. D. 1865.

[Passed March 25, 1865.]

Be it ordained by the Common Council of the city of Chicago :

6. APPROPRIATION OF PROCEEDS OF BONDS.] SECTION 1. That in accordance with the terms and provisions of the ordinance mentioned and referred to in the foregoing title, and in order to carry out the objects of and purposes thereof, the proceeds of one hundred bonds of the city of Chicago, of one thousand dollars each, bearing seven per cent. interest, payable half-yearly on the first days of July and January in each year, and the principal payable twenty-five years after their date, in the city of New York, to be issued by the mayor and comptroller, for the payment of which the faith of the city is hereby pledged, be and the same is hereby appropriated for the construction of said tunnel at Washington street by the city of Chicago, under the supervision of the board of public works, in accordance with the provisions of the city charter, which tunnel shall be forever free for the passage of teams and persons.

7. RATIFICATION OF PRIOR ORDINANCE.] SEC. 2. Nothing in the foregoing section contained shall be deemed, taken or construed to invalidate any of the provisions, terms or conditions of the ordinance therein referred to, but the same, and every part and portion thereof, are hereby ratified and confirmed.

An ordinance authorizing the construction of a tunnel under the south branch of the Chicago river at Washington street, and the issue and sale of bonds of the city of Chicago, to aid in defraying the expense thereof.

[Passed July 27, 1865.]

Be it ordained by the Common Council of the city of Chicago :

8. TUNNEL AT WASHINGTON STREET AUTHORIZED.] SECTION 1. That the board of public works be, and they are hereby, authorized and empowered to construct a tunnel under the south branch of the Chicago river at Washington street, according to the plans and specifications heretofore, or that may be hereafter, adopted by the board of public works of said city.

9. CONDITIONAL AUTHORITY TO ISSUE BONDS.] SEC. 2. That the mayor and comptroller of said city of Chicago be, and they are hereby authorized to issue and negotiate, on behalf of said city of Chicago, one hundred bonds, of one thousand dollars each, bearing seven per cent. interest, said interest to be payable semi-annually on the first days of January and July in each year, in the city of New York, and said bonds to be due and payable in thirty years from date: *Provided*, the sum of one hundred thousand dollars be first contributed by other parties.

10. PROCEEDS OF BONDS APPROPRIATED.] SEC. 3. That the proceeds of the sale of said bonds be, and the same are hereby, appropriated toward the payment of the cost and construction of said tunnel.

11. SUBSCRIPTIONS IN AID TO BE RECEIVED.] SEC. 4. That the

comptroller of said city of Chicago be, and he is hereby, authorized and required to receive, by subscription or otherwise, any sum or sums of money that may be offered to aid in the construction of said tunnel.

An ordinance to amend an ordinance concerning a tunnel under the south branch of the Chicago river at Washington street, passed July 27, 1865; to repeal a certain ordinance concerning the same and to levy a tax for defraying a portion of the expense thereof.

[Passed July 17, 1866.]

Be it ordained by the Common Council of the city of Chicago:

12. BONDS TO ISSUE FORTHWITH.] SECTION 1. That section two of the ordinance concerning the construction of a tunnel under the south branch of the Chicago river, at Washington street, be and is hereby so amended that the bonds therein provided for may be issued immediately, and that the proviso concerning contributions at the end of said section be and the same is hereby repealed.

13. REPEAL OF AUTHORITY TO RECEIVE AID.] SEC. 2. That section four of said ordinance be, and the same is hereby, repealed.

14. DEFICIENCY TO BE RAISED BY TAX.] SEC. 3. That any additional amount or amounts of money necessary to complete said tunnel, shall be raised by the levy and collection of a tax according to the provisions of the charter and the amendments thereto, and so soon as therein authorized.

15. REPEALS FORMER ORDINANCES.] SEC. 4. That the ordinance entitled "An ordinance for the vacation of that portion of Adams street lying between Canal street and the south branch of the Chicago river and for the construction of a tunnel at Washington street" passed January 9th, A. D. 1865, and an ordinance entitled "An ordinance for the appropriation of the proceeds of one hundred bonds for the construction of a tunnel at Washington street, in accordance with the provisions of an ordinance passed by the common council on the 9th day of January, A. D. 1865," passed March 25th, A. D. 1865, be, and the same are hereby, both and each of them repealed and annulled.

An ordinance authorizing the issue and negotiation of \$100,000 in bonds, to aid in the construction of the tunnel, under the south branch of the Chicago river, at Washington street.

[Passed November 18, 1867.]

Be it ordained by the Common Council of the city of Chicago:

16. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That the mayor and comptroller of said city of Chicago be, and they are hereby, authorized and empowered to issue and negotiate, in the name of and on behalf of said city, one hundred (100) bonds of the denomination of one thousand (1,000) dollars each and bearing interest at the rate of seven per centum per annum, to be paid semi-annually, on the first day of January and July in each year, in the city of New York, and that said bonds be made due and payable in thirty years from the date of issue, at the same place.

17. APPROPRIATION OF PROCEEDS.] SEC. 2. That the proceeds of the

sale of said bonds be, and they are hereby, set apart and appropriated for the payment of the cost of the construction of the tunnel under the south branch of the Chicago river at Washington street.

18. REPEALING CLAUSE.] SEC. 3. That section three (3) of an ordinance passed July 17, 1866 entitled "An ordinance to amend an ordinance concerning a tunnel under the south branch of the Chicago river at Washington street," passed July 27, 1865, be, and the same is hereby, repealed.

19. WHEN IN FORCE.] SEC. 4. This ordinance shall take effect and be in force from and after its passage.

An ordinance authorizing the issue and negotiation of \$100,000 in bonds, to aid in the construction of the tunnel, under the south branch of the Chicago river, at Washington street.

[Passed May 18, 1868.]

Be it ordained by the Common Council of the city of Chicago :

20. BONDS AUTHORIZED.] SECTION 1. That the mayor and comptroller of said city of Chicago be, and they are hereby, authorized and empowered to issue and negotiate, in the name and on behalf of said city, one hundred bonds of the denomination of one thousand dollars each, and bearing interest at the rate of seven per centum per annum, said interest to be paid semi-annually, on the first days of January and July in each year, in the city of New York, and that said bonds be made due and payable in thirty years from the date of the issue at the same place.

21. APPROPRIATION OF PROCEEDS.] SEC. 2. That the proceeds of the sale of said bonds be, and they are hereby, set apart and appropriated for the payment of the cost of the construction of the tunnel under the south branch of the Chicago river at Washington street.

22. WHEN IN FORCE.] SEC. 3. This ordinance shall take effect and be in force from and after its passage.

An ordinance authorizing the issue and negotiation of \$100,000 in bonds, to aid in the construction of the tunnel under the river at Washington street.

[Passed December 28, 1868.]

Be it ordained by the Common Council of the city of Chicago :

23. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That the mayor and comptroller of said city of Chicago be, and they are hereby, authorized and empowered to issue and negotiate, in the name and on behalf of said city one hundred bonds of the denomination of one thousand dollars each, and bearing interest at the rate of seven per centum per annum, said interest to be paid semi-annually on the first days of January and July in each year, in the city of New York; and that said bonds be dated on the first day of January, A. D. 1869, and be made due and payable, thirty years from the date of issue, at same place.

24. PROCEEDS APPROPRIATED.] SEC. 2. That the proceeds of the sale of said bonds be and they are hereby set apart and appropriated for the

payment of the cost of the construction of the tunnel under the south branch of the Chicago river, at Washington street.

25. WHEN IN FORCE.] SEC. 3. This ordinance shall take effect and ~~and~~ be in force from and after its passage.

Ordinance authorizing the issue of bonds to the amount of \$70,000, on account of Washington street tunnel.

[Passed May 31, 1869.]

Be it ordained by the Common Council of the city of Chicago :

26. ISSUE OF BONDS.] SECTION 1. That the mayor and comptroller of the city of Chicago are hereby authorized and directed to issue and negotiate, on behalf of said city, seventy (70) bonds of the denomination of one thousand dollars each ; said bonds will bear the date of their time of issue and be made payable July 1, 1899. They will bear interest at the rate of seven per cent. per annum, payable semi-annually, both bonds and coupons for interest being payable in the city of New York.

27. FORM OF BOND.] SEC. 2. Said bonds will be issued in conformity with the provisions of an act of the general assembly of the state, approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city, and also to purchase or lease grounds and erect school houses in said city, and for cleansing the Chicago river," and their proceeds applied for the payment of the expenses of the Washington street tunnel in said city.

CHAPTER 26.

VIADUCTS.*

SECTION.

1. Viaduct to be constructed on Halsted near Sixteenth street.
2. Viaduct to be constructed on Canal street over Sixteenth street.
3. Viaduct to be constructed on North Clark at intersection of North Water street.

SECTION.

4. Charge upon the general fund.
5. Board of public works to compel construction of viaduct over North avenue.

An ordinance authorizing the construction of a viaduct over railroad tracks on Halsted street near Sixteenth street.

[Passed March 8, 1869.]

Be it ordained by the Common Council of the city of Chicago :

1. VIADUCT ON HALSTED STREET.] SECTION 1. That the board of

*See also Part II, chapter 17, "Railroads."

public works are hereby authorized to cause a viaduct to be constructed on Halsted street, over the tracks of the Chicago and Northwestern Railway Company and the Chicago, Burlington and Quincy Railroad Company, near Sixteenth street, so that the travel along and upon said Halsted street shall pass over and above the trains on said railroad tracks. Said viaduct will be constructed with suitable and convenient approaches from Halsted, Meagher and Sixteenth streets, with all necessary abutments and retaining walls, and the whole will be done according to such plan as shall be adopted by the said board and under their direction: *Provided, however,* that the payment of the excess of the cost of constructing said viaduct and approaches, with all the work hereby authorized, over and above the cost of improving, as heretofore ordered by the council, these portions of Halsted, Meagher and Sixteenth streets to be occupied by said viaduct and approaches shall be assumed and paid for by the Chicago and Northwestern Railway Company and the Chicago, Burlington and Quincy Railroad Company so that no increased expense shall accrue to the city or private property on account of the work as hereby ordered.

Ordinance for the construction of a viaduct over the C., B. & Q. R. R. track at Canal street.

[Passed March 11, 1872.]

Be it ordained by the Common Council of the city of Chicago:

2. VIADUCT ON CANAL STREET.] SECTION 1. That the board of public works be, and they are hereby, authorized and directed to prepare plans and specifications for the construction of a viaduct on Canal street, over the Sixteenth street crossing of the Chicago, Burlington and Quincy, and the Chicago and Northwestern railroads, and to confer, with the railroad companies, as to the best and speediest means of completing the proposed work. And the said board are further authorized to use so much of the appropriation made by the common council, for that purpose, as may be necessary to complete said work.

Ordinance for a viaduct over the track of the Chicago and Northwestern Railway on North Clark street.

[Passed March 11, 1872.]

Be it ordained by the Common Council of the city of Chicago:

3. VIADUCT ON NORTH CLARK STREET.] That a viaduct over the railroad track on North Clark street, at its intersection with North Water street and the approach to the same, be, and is hereby, ordered constructed; said work to be done under the superintendence of the board of public works, conformably to the drawings prepared by said board and hereto annexed.

4. CHARGE UPON GENERAL FUND.] That the sum of twenty-five thousand two hundred and seventy-five dollars, or so much thereof as may be necessary for the purpose of constructing the approaches as estimated, be chargeable to and paid out of the general fund of the city of Chicago.

Resolution in relation to viaduct over North avenue.

[Passed September 30, 1872.]

5. VIADUCT OVER NORTH AVENUE TO BE BUILT.] *Resolved*, That the board of public works be, and they are hereby, directed to compel the Chicago and Pacific Railroad Company to build their viaduct over North avenue during the time specified in the ordinance.

CHAPTER 27.

WASHINGTONIAN HOME.

SECTION.
1. When persons may be committed or transferred to City to pay percentage of license to. Exemption from taxation.

SECTION.
4. Ordinance authorizing payment.
5. When payment to be made.
6. When ordinance in force.

An act to incorporate the Washingtonian Home of Chicago.

[Approved February 16, 1867.]

* * * * *

1. WHEN PERSONS MAY BE COMMITTED TO.] SEC. 5. Any person sentenced by the authorities of the city of Chicago to the bridewell or house of correction for intemperance, drunkenness, or for any misdemeanor caused thereby, may, with the consent of the proper officers of said "Home," be received and detained as an inmate of said home in lieu of the bridewell or house of correction, until the expiration of such sentence: and when any such person has been committed to the city bridewell or house of correction for any such misdemeanor caused by intoxication or for drunkenness, either justice of the police court may, with the consent aforesaid, upon application, cause him to be transferred to the said Washingtonian Home, for the unexpired term of his sentence.

* * * * *

2. PAYMENT BY CITY IN SUPPORT OF.] SEC. 7. It shall be the duty of the treasurer of the county of Cook and the treasurer of the city of Chicago, or the officers of either into whose hands the same may come or be paid, to pay over to said corporation, in quarterly installments, for the support and maintenance of said institution, ten per centum of all moneys received for all licenses granted by authority of said county or city, for the right or privilege to vend or sell spirituous, vinous or fermented liquors within the said county of Cook and city of Chicago.

3. EXEMPTION FROM TAXATION.] SEC. 8. All the property at any time owned by said corporation shall be exempt from taxation.

An ordinance requiring the comptroller to pay over certain moneys to Washingtonian Home.

[Passed June 17, 1867.]

Be it ordained by the Common Council of the city of Chicago:

4. AUTHORITY TO PAY OVER MONEYS.] SECTION 1. That the comptroller be, and he is hereby, authorized, in pursuance of the provisions of section seven of an act entitled "An act to incorporate the Washingtonian Home of Chicago," approved February 16th A. D. 1867, to pay over to the treasurer of said home, quarterly, ten per centum of all moneys received from all licenses granted by authority of said city for the right or privilege to vend or sell spirituous, vinous or fermented liquors.

5. PAYMENT TO BE MADE QUARTERLY.] SEC. 2. The first quarterly payment to be made July first, A. D. 1867, and all payments to be made quarterly thereafter.

6. WHEN IN FORCE.] SEC. 3. This ordinance shall take effect and be in full force from and after its passage and due publication.

CHAPTER 28.

WATER WORKS.

SECTION.

1. Construction of engine house, etc., authorized.
2. Issue of bonds for, authorized.
3. Purchase of land authorized.
4. Issue of water loan bonds.
5. Additional pumping engines authorized.

SECTION.

6. Issue of bonds therefor.
7. Extension of water works authorized.
8. Issue of bonds therefor.
9. Site for new pumping works to be purchased.
10. Payment to be made when.

An ordinance authorizing the erection of a new engine house for the Chicago water works, and the issue of water loan bonds.

[Passed July 24, 1865.]

Be it ordained by the Common Council of the city of Chicago:

1. ENGINE AND ENGINE HOUSE AUTHORIZED.] SECTION 1. The board of public works are hereby authorized to erect a new engine of capacity sufficient to pump eighteen million gallons of water daily, and construct a new engine house with all the necessary foundations, pump inlet pipes and connections with the lake tunnel, according to plans and specifications to be prepared by said board.

2. ISSUE OF BONDS AUTHORIZED.] SEC. 2. The board of public works are hereby authorized to issue two hundred (200) water loan bonds of denomination of one thousand dollars each, to be dated July 1, 1865, payable in New York twenty-five years after the date thereof, with interest at the rate of seven per cent. per annum payable semi-

New York, the said bonds to be issued in conformity with the provisions of an act of the general assembly of the state of Illinois entitled "An act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act and to revise the same," approved February 13, 1863, and their proceeds to be used for the purpose of the foregoing section.

Ordinance authorizing the purchase of the east half of block between Chicago avenue and Pearson street, Pine street and Green Bay street.

[Passed April 9, 1866.]

Be it ordained by the Common Council of the city of Chicago :

3. PURCHASE OF LAND AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized to purchase for the use of the water works of the city of Chicago, the east half of the block of land bounded by and lying between Chicago avenue and Pearson street, Pine street and Green Bay street: *Provided*, that the cost of the same shall not exceed forty thousand dollars (\$40,000).

Ordinance authorizing the issue of two hundred water loan bonds, etc.

[Passed March 9, 1868.]

Be it ordained by the Common Council of the city of Chicago :

4. ISSUE OF BONDS AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized to issue from time to time as shall be necessary, two hundred (200) water loan bonds of the denomination of one thousand dollars each; said bonds to be dated July 1, 1867, and to be payable July 1, 1892; said bonds shall bear interest at the rate of seven per cent. per annum, payable semi-annually by coupons attached thereto, both bonds and coupons being payable in the city of New York. Said bonds to be issued in accordance with the amendments of the charter of the city of Chicago adopted by the general assembly of the state of Illinois, and approved March 9, 1867; and the proceeds to be applied to the payment of the costs and expenses of extending the distributing mains of the Chicago water works, in accordance with an estimate and report of the board of public works pertaining to the issue of water loan bonds as fully authorized, dated February 4, 1868.

Ordinance authorizing the erection of engines for the Chicago water works, etc.

[Passed September 10, 1869.]

Be it ordained by the Common Council of the city of Chicago:

5. ADDITIONAL ENGINES AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized to contract for the construction and erection of additional pumping engines for the Chicago water works, according to such plans as shall be adopted by said council.

6. ISSUE OF BONDS.] SEC. 2. For the payment of the expenses pertaining to said engines and their erection, the board of public works are hereby authorized to issue, from time to time as shall be necessary, two hundred

(200) water loan bonds, of the denomination of one thousand dollars each to bear the date of their time of issue, and to be made payable July 1, 1895. Said bonds shall bear interest at the rate of seven (7) per centum per annum, payable semi annually by coupons attached thereto, both principal and interest being payable in the city of New York. Said bonds will be issued in accordance with the amendments of the charter of the city of Chicago adopted by the general assembly of the state of Illinois, and approved March 10, 1869, and entitled an act to authorize the city of Chicago to issue said bonds for the purpose of paying the debt incurred for extending the water and sewerage works of said city, and also to purchase or lease grounds and erect school-houses in said city, and for cleansing the Chicago river.

Ordinance authorizing the enlargement of the Chicago water works and the issue of water loan bonds for the cost of the same.

[Passed June 6, 1870.]

Be it ordained by the Common Council of the city of Chicago :

7. EXTENSION OF WATER WORKS AUTHORIZED.] SECTION 1. That the board of public works are hereby authorized and directed to contract for, and to cause to be constructed, the enlargement and extension of the Chicago water works according to a plan of said board set forth in a report to the financial committee of the common council, dated October 15, 1869 and concurred in by the council February 21, 1870.

8. ISSUE OF BONDS AUTHORIZED.] SEC. 2. For the payment of the expenses pertaining to said enlargement and for the laying of distribution water mains during the process of said work of enlargement, the said board are hereby authorized to issue one thousand three hundred (1300) water loan bonds of the denomination of one thousand dollars each, to be dated July 1, 1870, and to be made payable July 1, 1895; said bonds shall bear interest at the rate of seven per centum per annum, payable semi-annually by coupons attached thereto, both principal and interest being payable in the city of New York. Said bonds shall be issued in accordance with the amendments of the charter of the city of Chicago adopted by the general assembly of the state of Illinois and approved March 10, 1869, and entitled "An act to authorize the city of Chicago to issue bonds for the purpose of paying the debt incurred for and extending the water and sewerage works of said city, and also to purchase or lease grounds and erect school-houses in said city and for cleansing the Chicago river."

Ordinance authorizing the purchase by the board of public works of lots 1, 2, 3, 4, and 41 of block 10 in S. J. Walker's dock addition to Chicago, being a subdivision of E $\frac{1}{2}$, north of the Chicago river, of section 30, town 39, range 14.

[Passed November 11, 1871.]

Be it ordained by the Common Council of the city of Chicago :

9. SITE FOR NEW PUMPING WORKS.] SECTION 1. That the board of public works of the city of Chicago be, and they are hereby, authorized and directed to purchase, for the site of the new pumping works, lots one (1) of

two (2), three (3), four (4) and forty-one (41) of block ten (10) in S. J. Walker's dock addition to Chicago, being a subdivision of the east half, north of the Chicago river, of section 30, 39, 14.

10. PAYMENT AUTHORIZED, WHEN.] SEC. 2. That the board of public works are hereby authorized to pay to Samuel J. Walker, the owner of said lots 1, 2, 3, 4 and 41, the sum of \$63,000: *Provided*, that he, the said Samuel J. Walker, shall enter into a good and satisfactory bond that he will, within twelve months from the 14th day of October, A. D. 1872, give a depth of water of fourteen feet, and construct a good and sufficient dock on the slip leading to and fronting on said site, to the entire satisfaction of the board of public works, and he will warrant the title to the property perfect, in all respects, as set forth in his letter to the board of public works, dated October 14, 1872, which letter is on file in their office.

CHAPTER 29.

WHARFING PRIVILEGES.*

SECTION.	SECTION.
Vacation of Water street, on south side of Chicago river.	12. Mortgage to be given to city.
Conditions of the vacation.	13. When ordinance void.
Part of East Water street conditionally vacated.	14. An open wharf to be maintained.
Part of East Water street conditionally discontinued.	15. Parts of West Water street vacated.
When ordinance void.	16. Mortgage to be executed to city.
When ordinance to take effect.	17. When ordinance void.
Conditional vacation of parts of North Water street.	18. Wharf to be maintained.
Conditions of the vacation.	19. Parts of East and Old North Water and East Carroll streets vacated.
When ordinance to be void.	20. Mortgage to be given.
Section of the last ordinance amended.	21. Ordinance to be void, when.
Portion of parts of West Water street vacated—Proviso.	22. Open wharf to be maintained.
	23. New street to be opened.
	24. Dock lines on north branch established.
	25. Repealing clause.

An ordinance vacating part of Water street, on south side of Chicago river.

[Passed February 11, 1848.]

It is ordained by the Common Council of the city of Chicago:

1. VACATION OF PART OF WATER STREET.] SECTION 1. That so much of such parts of South Water street as lie opposite to blocks sixteen (16), seventeen (17), eighteen (18), nineteen (19) and twenty (20) in the original town of Chicago, and north of a line drawn eighty feet distant from the south line of said street, and all such parts of the said street, between the north line of Lake street and the west line of Franklin street, as lie opposite to block twenty-one (21) in said original town and north or west of a line drawn

* See also Part II, chapter 19, "River and Canal," page 333 *et seq.*

eighty feet distant from the line of said block twenty-one, fronting said Water street, and only such parts of said streets as shall be mortgaged to the city of Chicago to secure the payment of such sums of money and the interest thereon as are required to be secured to the city by the provisions of section five (5) of the proposition for settling wharfing privileges on South Water street and East Water street, north of Randolph street, passed by the common council, February 11, 1848, in the manner hereinafter mentioned, be, and the same hereby are, discontinued and vacated: *Provided*, that in case it should be judicially determined, upon a bill to be filed under the act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes," approved February 27, 1847, that upon the discontinuance or vacation of said parts of said streets, the fee of the land, now contained in the same, is in some other party or parties than the city of Chicago, or the said original grantees from the State or their legal representatives, by virtue of a conveyance or conveyances as specified in the second section of this ordinance, then this ordinance shall be null and void.

2. CONDITIONS OF THE VACATION.] SEC. 2. Before the vacation or discontinuance of any part or portion of said streets, as contemplated in the foregoing section, shall take place, a mortgage thereof shall be executed to the city by the respective owners of the various portions of land or town lots in said blocks which are opposite to such parts or portion of said streets as are proposed to be vacated, or in cases where the original grantees from the state of said land and town lots shall have parted with their estate or interest in such parts of said streets as are hereby mentioned, by those respectively who are legally entitled to such estate or interest, under or by virtue of a conveyance or conveyances from the said original grantees and some intermediate parties or grantees of such land or town lots respectively opposite to said street or streets, to secure the payment of such sums of money and interest thereon as are required to be secured to the city by the provisions of said section five of the proposition aforesaid; said mortgage to be drawn and executed in such form and manner as shall be approved by the common council, or the mayor or acting mayor, and be deposited with the clerk of said city within six months from the date hereof. The parts or portions of said streets hereby proposed to be discontinued upon the performance of the conditions aforesaid, are designated on a map of the wharfing lots on South Water street and East Water street, north of Randolph street, made by Asa F. Bradley, city surveyor and filed in the office of the clerk of said city, February 11, 1848, as wharfing lots 1 (one), 2 (two), 3 (three), 4 (four), 5 (five), 6 (six), 7 (seven), 8 (eight), 9 (nine), 10 (ten), 11 (eleven), 12 (twelve), 13 (thirteen), 14 (fourteen), 15 (fifteen), 16 (sixteen), 17 (seventeen), 18 (eighteen), 19 (nineteen), 20 (twenty), 21 (twenty-one), 22 (twenty-two), 23 (twenty-three), 24 (twenty-four), 25 (twenty-five), 26 (twenty-six), 27 (twenty-seven), 28 (twenty-eight), 29 (twenty-nine).

An ordinance discontinuing parts of East Water street.

[Passed February 11, 1848.]

Be it ordained by the Common Council of the city of Chicago :

3. PART OF EAST WATER STREET CONDITIONALLY VACATED.] SECTION

That all that part of East Water street, in the city of Chicago, which lies between the south line of Lake street and the north line of Randolph street, in the city of Chicago, and west of the following boundary, to-wit: beginning at a point on the north line of Randolph street one hundred and forty (40) feet west from the southwest corner of lot five (5) in block thirty-one (31) in the original town of Chicago, and running thence northerly in a direct line to the south line of Lake street, at a point in the line last mentioned, eighty (80) feet west from the northwest corner of lot four (4) in said block thirty-one (31) be, and the same is hereby, discontinued and vacated: *Provided*, that all persons owning land adjoining said East Water street shall consent, in writing, to the discontinuance of so much of said street as is hereby discontinued and vacated: *And provided, further*, that the original grantee from the state of said lot four (4), or, in case said original grantee shall have parted with his estate or interest, by the party or parties, respectively, who is or are legally entitled to such estate or interest under or by virtue of a conveyance or conveyances from the said original grantee or said original grantee and some intermediate parties or grantees, shall execute to the city of Chicago a mortgage upon the land comprising that part of the street, thus vacated, lying north of the south line of the alley dividing said block thirty-one (31) to secure the payment of the sum of thirteen thousand two hundred and thirty-eight dollars in such manner as shall be required by the common council of the city of Chicago, or the mayor or acting mayor thereof. And the person or persons legally entitled to such estate or interest in the land comprising that part of the street thus vacated, lying south of the south line of the alley dividing said block thirty-one (31), under or by virtue of a conveyance or conveyances from the original grantee or grantees from the state, of the lots fronting the same on said street respectively, or said original grantee or grantees, or some intermediate parties or grantees, shall execute to the city of Chicago a mortgage upon the land comprising that part of the street thus vacated, lying south of the south line of the alley dividing said block thirty-one (31), to secure the payment of the sum of three thousand and five hundred dollars (\$3,500), in such manner as shall be required by the common council of the city of Chicago, or the mayor or acting mayor thereof: *And provided, further*, that in case it should be judicially determined, upon a bill to be filed under the act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes," approved February 27, 1847, that, upon the discontinuance or vacation of said parts of said streets, the fee of the land now contained in the same is in some other party or parties than the city of Chicago, or the said original grantees from the state, or their legal representatives, by virtue of a conveyance or conveyances as specified in the foregoing part of this ordinance, then this ordinance shall be null and void.

An ordinance discontinuing that part of East Water street in the city of Chicago which lies between Randolph and Madison streets.

[Passed June 19, 1848.]

Be it ordained by the Common Council of the city of Chicago:

4. PART OF EAST WATER STREET DISCONTINUED.] SECTION 1. That

all that part of East Water street which lies between the south line of Randolph street and the north line of Madison street, be, and the same is hereby, discontinued and vacated: *Provided*, that all persons owning land adjoining said East Water street shall consent, in writing, to the discontinuance of so much of said street as is hereby discontinued and vacated, or such assent shall be dispensed with by act of the legislature of the state of Illinois.

5. WHEN ORDINANCE VOID.] SEC. 2. In case it shall be judicially determined, upon a bill to be filed under the act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes," passed February 27, 1847, that, upon the discontinuance or vacation of said parts of said street, the fee of the land now contained in the same is in some other party or parties than the city of Chicago, or the said respective owners of the various portions of land or town lots, aforesaid, fronting the same, then this ordinance shall be null and void.

6. WHEN ORDINANCE TO TAKE EFFECT.] SEC. 3. This ordinance shall not take effect until the mayor of said city shall endorse thereon his certificate that the proposition for the widening of Market street has been complied with by the respective persons owning land fronting said part of East Water street herein proposed to be discontinued and vacated.

An ordinance vacating parts of North Water street.

[Passed June 19, 1848.]

Be it ordained by the Common Council of the city of Chicago :

7. CONDITIONAL VACATION.] SECTION 1. That so much and such parts of North Water street as lie in front of blocks one (1), two (2), three (3), four (4) and five (5) in the original town of Chicago, and only such parts of said street as shall be mortgaged to the city of Chicago, as hereinafter provided, or the owners of which shall cause to be paid to the city the amounts required to be secured to the city by mortgage, as hereinafter provided, be, and the same are hereby, discontinued and vacated: *Provided*, that all persons owning lands adjoining said North Water street shall consent, in writing, to the discontinuance of so much of said street as is hereby discontinued and vacated, or such assent shall be dispensed with by act of the legislature of the state of Illinois.

8. CONDITIONS OF THE VACATION.] SEC. 2. Before the vacation and discontinuance of any part or portion of said street, as herein contemplated, shall take place, a mortgage thereof, and of the respective town lots or portion of lots fronting the same, shall be executed to said city, or the payment mentioned in the first section of this ordinance shall be made in lieu thereof, by the respective owners of the various portions of land or town lots in said blocks, which are opposite to or front on such respective parts or portions of said street as are proposed to be vacated, to secure the payment of the sum of one thousand and two hundred dollars for each eighty feet of said lots fronting said parts of said street, or in that proportion for a greater or less extent; said mortgage to be drawn and executed in such form and manner as shall be approved by the common council, or the mayor or acting mayor thereof, and to be deposited with the clerk of said city within twelve months

from the date hereof, and said mortgage to be so drawn as to contain, in substance, the provisions of the twelfth (12th) section of the proposition for settling wharfing privileges on South Water street and East Water street, north of Randolph street, passed in common council, February 11, 1848.

9. WHEN ORDINANCE TO BE VOID.] SEC. 3. In case it should be judicially determined, upon a bill to be filed under the act, entitled "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes," approved February 27, 1847, that, upon the discontinuance or vacation of said parts of said street, the fee of the land now contained in the same is in some other party or parties than the city of Chicago, or the said respective owners of the various portions of land or town lots aforesaid, fronting the same, then this ordinance shall be null and void.

An ordinance extending the provisions of the "ordinance vacating parts of North Water street," passed June 19, 1848.

[Passed December 11, 1848.]

Be it ordained by the Common Council of the city of Chicago :

10. FIRST SECTION OF PRECEDING ORDINANCE AMENDED.] SECTION 1. That the first section of the ordinance "vacating parts of North Water street," passed June 19, 1848, be, and the same is hereby, amended, by inserting after the word and figure "five (5)" the words and figures following, to-wit: "And in front of lots one (1) and two (2) in blocks six (6)" so that the provisions of said ordinance shall apply to said lots one (1) and two (2).

An ordinance vacating parts of West Water street.

[Passed September 12, 1853.]

Be it ordained by the Common Council of the city of Chicago :

11. PORTION OF STREET VACATED—PROVISO.] SECTION 1. That so much and such parts of West Water street as lie in front of blocks fifty-one (51), forty-four (44), twenty-nine (29) and twenty-two (22) in the original town of Chicago, and only such parts of said street as shall be mortgaged to the city of Chicago as hereinafter provided, or the owners of which, or some other person or persons on their behalf, shall cause to be paid or secured to the city, in such manner as shall be approved by the mayor or acting mayor of said city, the amounts required to be secured to the city by mortgage or otherwise, or paid to said city as hereinafter provided, be and the same are hereby, discontinued and vacated: *Provided*, that the new street extending from Madison street to Fulton street, specified in the second section of the "proposition for disposing of the wharfing privileges on West Water street" contained in the report of the committee on wharfing privileges, concurred in by the common council, January 29, 1849, shall be laid out, and the damages occasioned thereby paid without charge or expense to said city, except the expense of laying out the street and of assessing and collecting said damages within such time as shall be determined by the common council: *And provided, further*, that all persons owning lands adjoining said West Water street shall consent, in writing, to the discontinuance of so much of said

street as is hereby discontinued and vacated, or such assent shall be dispensed with by the act of the legislature of the state of Illinois.

12. MORTGAGE TO CITY.] SEC. 2. Before the vacation and discontinuance of any part or portion of said street, as herein contemplated, shall take place, a mortgage of such parts or portions shall be executed, to said city, by the respective owners of the various parts or portions of land or town lots in said blocks which are opposite to, or front on such parts or portions of, said street as are proposed to be vacated, to secure the payment of sixty per centum of the sums set opposite the following lots respectively, or in that proportion for any part or portion of a lot fronting said street; said mortgage to be drawn and executed in such form and manner as shall be approved by the common council, or the mayor or acting mayor, and to be deposited with the clerk of said city within such time from the date thereof as shall be determined or required by the common council, and said mortgage to be so drawn as to contain, in substance, the provision of the twelfth (12) section of the proposition for settling wharfing privileges on South Water street and East Water street, north of Randolph street, passed in common council, February 11, 1848, or said sixty per centum shall be otherwise secured or paid to said city in such manner as shall be approved by the mayor or acting mayor of said city. [Here follows the assessment of prices or values of the lots referred to.] And shall likewise pay or secure to said city, in such a manner as shall be approved by the mayor or acting mayor of said city, the remaining forty (40) per centum of said sums set opposite the aforesaid lots respectively, as aforesaid, to be paid when required by said city, for the purpose of dredging the west bank of the south branch of the Chicago river as specified in the first section of said proposition for disposing of the wharfing privileges on West Water street.

13. WHEN ORDINANCE VOID.] SEC. 3. In case it should be judicially determined, upon a bill to be filed under the act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes," approved February 27, 1847, that, upon the discontinuance or vacation of said parts of said streets, the fee of the land now contained in the same is in some other party or parties than the city of Chicago, or the said respective owners of the various portions of land or town lots aforesaid fronting the same, then this ordinance shall be null and void.

14. PORTION TO REMAIN AN OPEN WHARF.] SEC. 4. Ten feet next and adjoining the river of said wharves shall be and remain an open wharf, upon the same conditions and restrictions as contained in the settlement of the wharfing privileges on the south side of the Chicago river.

An ordinance vacating parts of West Water street in front of blocks eight and thirteen, original town of Chicago.

[Passed December 10, 1855.]

Be it ordained by the Common Council of the city of Chicago :

15. CERTAIN PARTS OF STREET VACATED.] SECTION 1. That so much and such parts of West Water street as lie in front of blocks eight and thirteen in the original town of Chicago, and east of a line drawn eighty feet distant from the west line of said street, and only such parts of said street

as shall be mortgaged to the city of Chicago, as hereinafter provided, or the owners of which, or some other person or persons on their behalf, shall cause to be paid or secured to the city, in such manner as shall be approved by the mayor or acting mayor of said city, the amounts required to be secured to said city by mortgage or otherwise, or paid to said city, as hereinafter provided, be, and the same are hereby, discontinued and vacated.

16. MORTGAGE TO BE EXECUTED.] SEC. 2. Before the vacation and discontinuance of any part or portion of said street, as herein contemplated, shall take place, a mortgage of such parts or portions shall be executed, to said city, by the respective owners of the parts or portions of land or town lots, in said blocks, which are opposite to, or front on such parts or portions of, said street as are proposed to be vacated, to secure the payment of the sums set opposite to the following lots respectively, or in that proportion for any part or portion of a lot fronting said street; said mortgage to be drawn and executed in such form and manner as shall be approved by the common council, or the mayor, or the acting mayor, and to be deposited with the clerk of said city within such time from the date hereof as shall be determined or required by the common council, and said mortgage to be so drawn as to contain, in substance, the provisions of the twelfth section of the proposition for settling the wharfing privileges on South Water street and East Water street, north of Randolph street, passed in common council February 11, 1848, or said sums shall be otherwise secured or paid to said city, in such manner as shall be approved by the mayor or acting mayor of said city. [Here follows an assessment of the prices or value of the lots referred to.]

17. WHEN ORDINANCE VOID.] SEC. 3. In case it shall be judicially determined, upon a bill to be filed under the act entitled, "An act to adjust and settle the title to the wharfing privileges in Chicago and other purposes," approved February 27, 1847, that, upon the discontinuance or vacation of said parts of said streets, the fee of the land now contained in the same is in some other party or parties than the city of Chicago, or the said respective owners of the various portions of land or town lots aforesaid, fronting the same, then this ordinance shall be null and void.

18. WHARF.] SEC. 4. Ten feet next and adjoining the river of said wharves shall be and always remain an open wharf, upon the same conditions and restrictions as contained in the settlement of the wharfing privileges on the south side of the Chicago river.

An ordinance vacating parts of East Water, Old North Water and East Carroll streets.

[Passed February 14, 1856.]

Be it ordained by the Common Council of the city of Chicago :

19. CERTAIN PARTS OF STREETS TO BE VACATED.] SECTION 1. That so much and such parts of East Water street as lie in front of blocks seven and fourteen in the original town of Chicago, and so much and such parts of Old North Water street as lie in front of blocks fourteen, fifteen and six in the original town of Chicago, and such parts of East Carroll street as lie in front of lots two and three in block six in the original town of Chicago,

and only such parts of said streets as shall be mortgaged to the city of Chicago, as is hereinafter provided, or the owners of which, or some other person or persons in their behalf, shall cause to be paid or secured to the said city, in such manner as shall be approved by the mayor or acting mayor of said city, the amount required to be secured to the said city, by mortgage or otherwise, or paid to said city, as hereinafter provided, be and the same are discontinued and vacated.

20. MORTGAGE TO BE GIVEN.] SEC. 2. Before the vacation or discontinuance (as herein contemplated) of any parts or portions of said streets shall take place, a mortgage of such parts or portions shall be executed, to said city, by the respective owners of the various parts or portions of land or town lots, in said blocks, which are opposite to, or front on such parts or portions of said streets as are herein proposed to be vacated, to secure the payment of the sums set opposite the following lots respectively, or in that proportion for any part or portion of a lot fronting on said streets, for such sums as are more specifically hereinafter set forth; said mortgages to be drawn in such form and manner as shall be approved by the common council, or the mayor or acting mayor, and to be deposited with the clerk of said city, within such time from the date hereof as shall be determined or required by the common council; and said mortgages to be so drawn as to contain, in substance, the provisions of the twelfth (12) section of the "proposition for settling wharfing privileges on South Water street and East Water street, north of Randolph street," passed February 14, 1848, or said sums shall be otherwise secured or paid to said city in such manner as shall be approved by the mayor or acting mayor of said city. [Here follows a list of the sums assessed as the amount of mortgage upon each lot referred to.]

21. ORDINANCE TO BE VOID, WHEN.] SEC. 3. In case it shall be judicially determined, upon a bill to be filed under the act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes," approved February 27, 1847, or upon proceedings had under an act entitled "An act to amend an act entitled 'an act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes,' approved February 27, 1847, and in relation to wharves and docks in said city," approved February 11, 1853, that upon the discontinuance or vacation of the said parts of said streets, the fee of the land, now contained in the same, is in some other party or parties than the city of Chicago, or the said respective owners of the various portions of land or town lots aforesaid fronting the same, then, and in that case, this ordinance shall be null and void, otherwise to remain in full force and effect.

22. OPEN WHARF TO BE RETAINED.] SEC. 4. Ten feet, next adjoining the river, of said vacated premises shall be and always remain an open wharf, upon the same conditions and restrictions, as contained in the settlement of the wharfing privileges on the south side of the Chicago river.

23. NEW STREET TO BE OPENED.] SEC. 5. Before the vacation or discontinuance (as herein contemplated) of any such parts or portions of said East Water street as lie in front of lots four (4) or five (5) in said block seven (7) shall take place, a new street, sixty feet wide, from East Kinzie

street to East Carroll street through said block seven (7), the east line of which new street shall be on the east line of said lots four (4) and five (5), shall be laid out and opened by the owners of said lots four (4) and five (5), without expense or cost to the city of Chicago.

An ordinance establishing certain dock lines.

[Passed February 14, 1856.]

Be it ordained by the Common Council of the city of Chicago :

24. DOCK LINES ON NORTH BRANCH.] SECTION 1. That the dock line from the south line of East Kinzie street to the west line of North Franklin street, in front of blocks seven, fourteen, fifteen and six in the original town of Chicago be, and the same is hereby, established as follows, to-wit: Commencing at a point in the south line of East Kinzie street, one hundred and seventy-two feet west of the northwest corner of said block seven; thence, in a straight line, southeasterly to a point twenty feet west of a point in the west line of lot five in block fourteen, which is seventy-four feet south of the northwest corner of said lot five; thence southeasterly to the southwest corner of lot six in block fourteen; thence along the south line (produced) of said lot six, one hundred and twenty-eight and one-half feet; thence northeastwardly in a straight line towards a point in the center line of Old North Water street, eighty-eight feet west of the west line of North Franklin street, five hundred and ten and one-half feet (more or less) to a point whence a line, perpendicular to the last mentioned line, will intersect the north line of lot three in said block fifteen, at ten feet east from the northwest corner of said lot three in block fifteen; thence, northwestwardly, at right angles to the last described line, seventy-nine feet (more or less) to a point in the west line (produced) of said lot three, and twelve feet (more or less) north of the northwest corner of said lot three; thence north twenty-eight feet (more or less) on said west line of lot three (produced), to the center of East Carroll street; thence east on the center line of East Carroll and Old North Water streets, to the west line of North Franklin street, as will more fully appear by reference to the map herewith submitted.

25. REPEALING CLAUSE.] SEC. 2. That so much of any and all previous ordinances, defining dock lines, as conflict, or are inconsistent, with this ordinance, be, and the same are hereby, rescinded.

PART III.

THE CHARTER
OF
THE CITY OF CHICAGO
AS
AMENDED.



CHARTER OF THE CITY OF CHICAGO.

CHAPTER 1.

CITY AND WARD BOUNDARIES.

inhabitants incorporated.
Corporate limits established.
Three divisions established—Their boundaries.

SECTION.

4. Corporate limits extended.
5. Territory excepted.
6. Division into wards.
7. Ninth ward boundary changed.

1. CORPORATE POWERS.] *Act February 13, 1863.* SECTION 1. The inhabitants of all that district of country in the county of Cook and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic under the name and style of the City of Chicago; and by that name sue and be sued, complain and defend, in any court; make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid.

2. CORPORATE LIMITS.] *Ibid.* SEC. 2. The corporate limits and jurisdiction of the city of Chicago shall embrace and include, within the same, all of township thirty-nine north, range fourteen east of the third principal meridian, and all of sections thirty-one, thirty-two, thirty-three, and fractional section thirty-four, in township forty, north, range fourteen east of the third principal meridian, together with so much of the waters and bed of Lake Michigan as lies within one mile of the shore thereof and east of the territory aforesaid.

3. DIVISIONS—NORTH, SOUTH, WEST—LIMITS OF.] *Ibid.* SEC. 3. All that portion of the aforesaid territory lying north of the center of the main Chicago river and east of the center of the north branch of said river, shall constitute the *North Division* of said city; all that portion of the aforesaid territory lying south of the center of the main Chicago river and south and east of the center of the south branch of said river and of the Illinois and Michigan canal, shall constitute the *South Division* of said city; and all that portion of the aforesaid territory lying west of the center of the north and south branches of said river and of the Illinois and Michigan canal, shall constitute the *West Division* of said city.

4. BOUNDARIES EXTENDED.] Act February 27, 1869. SEC. 1. That the territorial limits of the city of Chicago, shall be and are hereby extended as follows: That part of section thirty (30), township forty (40) north of range fourteen (14) east of the third (3d) principal meridian, which lies west of the north branch of the Chicago river; section twenty-five (25), township forty (40) north of range thirteen (13) east of the third (3d) principal meridian, except that part of said section lying east of the center of the north branch of the Chicago river; sections twenty-six (26), thirty-five (35) and thirty-six (36) in township forty (40) north of range thirteen (13) east of the third (3d) principal meridian; sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) in township thirty-nine (39) north of range thirteen (13) east of the third (3d) principal meridian; and that part of section thirty-five (35) and thirty-six (36) in township thirty-nine (39) north of range thirteen (13) east of the third (3d) principal meridian, lying northwest of the center of the Illinois and Michigan canal, shall be and are hereby added to said city, and shall constitute a part of the west division of said city and of the town of West Chicago; and the said added or new territory shall cease to be a part of the several towns to which it now belongs or appertains; and the outside boundary of the west division of the city of Chicago as hereby established, shall be the outside boundary of the several wards of said city which now extend to the present city limits.

5. TERRITORY EXCEPTED.] Act March 10, 1869. SEC. 1. That the act entitled "An act to amend the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes," approved February 27th, A. D. 1869, including the affirmance of the propositions specified in the first clause of the twentieth section of said act, but excluding the remainder of said section, relating to the holding of an election now past, shall be and is hereby re-enacted and confirmed, and shall be in full force and effect to all intents and purposes, except as hereinafter specified: *Provided*, that the four added sections of land from the town of Jefferson, in said act specified, viz.: section twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36) in township forty (40) north of range thirteen (13) east, shall not become a part of the city of Chicago, or of the town of West Chicago; nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson, the same as if this act had not been passed.

6. WARD BOUNDARIES.] Act March 10, 1869. SEC. 4. The city of Chicago shall be divided into twenty wards, as follows:

First ward. All that part of the south division of said city which lies south of the center of the main Chicago river and north of the center of Monroe street shall be denominated the first ward.

Second ward. All that part of the south division of said city which lies south of the center of Monroe street and north of the center of Harrison street shall be denominated the second ward.

Third ward. All that part of the south division of said city which lies

th of the center of Harrison street and north of the center of Sixteenth street shall be denominated the third ward.

Fourth ward. All that part of the south division of said city which lies north of the center of Sixteenth street and east of the center of Clark street, and a line corresponding with the center of the last named street projected southerly to the center of Twenty-sixth street and north of the center of said Twenty-sixth street, and a line corresponding with the center of the last named street projected easterly to Lake Michigan, shall be denominated the fourth ward.

Fifth ward. All that part of the south division of said city which lies north of the center of Twenty-sixth street and a line corresponding with the center of said street projected easterly to Lake Michigan, and east of the center of Clark street and a line corresponding with the center of the last named street projected southerly to the city limits, shall be denominated the fifth ward.

Sixth ward. All that part of the south division of said city which lies north of the center of Sixteenth street and west of the center of Clark street, and a line corresponding with the center of the last named street projected southerly to the city limits, shall be denominated the sixth ward.

Seventh ward. All that part of the west division of said city which lies north of the center of Sixteenth street shall be denominated the seventh ward.

Eighth ward. All that part of the west division of said city which lies north of the center of Sixteenth street and south of the center of Twelfth street shall be denominated the eighth ward.

Ninth ward. All that portion of the west division of said city which lies north of the center of Twelfth street, east of the center of Center avenue and south of the center of Van Buren street shall be denominated the ninth ward.*

Tenth ward. All that part of the west division of said city which lies north of the center of Van Buren street, east of the center of Aberdeen and Curtis streets and south of the center of Randolph street shall be denominated the tenth ward.

Eleventh ward. All that part of the west division of said city which lies north of the center of Randolph street, east of the center of Curtis street and north of the center of Fourth street shall be denominated the eleventh ward.

Twelfth ward. All that part of the west division of said city which lies north of the center of Twelfth street, east of the center of Reuben street, north of the center of Fourth street and west of the following boundary, viz.: commencing at the center of Fourth street and running thence south on the center of Curtis and Aberdeen streets to the center of Van Buren street, thence west on the center of Van Buren street to the center of Center avenue, thence south on the center of Center avenue to the center of Twelfth street shall be denominated the twelfth ward.†

Thirteenth ward. All that part of the west division of said city which

See section 7, this chapter.
See section 7, this chapter.

lies north of the center of Twelfth street, west of the center of Reuben street and south of the center of Lake street shall be denominated the thirteenth ward.

Fourteenth ward. All that part of the west division of said city which lies north of the center of Lake street, south of the center of Chicago avenue and west of the center of Reuben street shall be denominated the fourteenth ward.

Fifteenth ward. All that part of the west division of said city which lies north of the center of Fourth street and Chicago avenue, not included in any of the foregoing wards, shall be denominated the fifteenth ward.

Sixteenth ward. All that part of the north division of said city which lies north of the center of North avenue shall be denominated the sixteenth ward.

Seventeenth ward. All that part of the north division of said city which lies south of the center of North avenue and north of the center of Division street shall be denominated the seventeenth ward.

Eighteenth ward. All that part of the north division of said city which lies south of the center of Division street and west of the center of Franklin street shall be denominated the eighteenth ward.

Nineteenth ward. All that part of the north division of said city which lies south of the center of Division street, east of the center of Franklin street and north of the center of Chicago avenue shall be denominated the nineteenth ward.

Twentieth ward. All that part of the north division of said city which lies south of the center of Chicago avenue and east of the center of Franklin street shall be denominated the twentieth ward.

7. CHANGE OF WARD BOUNDARIES.] Act March 11, 1869. SEC. 2. That the act passed by the present general assembly, prescribing and defining the boundaries of the wards in said city and for other purposes, be, and the same is hereby, so amended that the north and south boundaries of the ninth ward, created under said act, be, and the same are hereby, extended westwardly to the center of Loomis street, and the center of the last named street shall be the western boundary thereof, and also the eastern boundary of the twelfth ward, as established by said act, south of the center of Van Buren street.

How territory may be annexed, see "Act to provide for annexing and excluding territory," etc., in force July 1, 1878, *post*, Appendix.

CHAPTER 2.

OFFICERS, THEIR ELECTION AND APPOINTMENT.

SECTION.

1. Officers composing the city government.
2. Time of municipal election—Publication of notice.
3. Election, when held.
4. Officers, when to enter upon duties.
5. Certain officers—Term of.
6. Others officers when elected or appointed.
7. Exceptions.
8. Vacancy in office of alderman, how caused.
9. Wards entitled to two aldermen each—Term of—Tie vote, how decided.
10. City officers—Tie vote, how decided.
11. Office vacant—Non-residence, etc.
12. Boards of public works and of police, how constituted—Qualifications.
13. Mayor no longer member of either board.
14. Board of public works—How appointed—Qualifications—Term of office.
15. Board of police.
16. Elected by voters of county, term of—Qualifications.
17. Vacancy in—How filled.
18. Commissioners of police and public works—How removed—Trial.

SECTION.

19. Board of guardians of reform school—Term of, etc.
20. Harbor master—Bridge tenders—How appointed.
21. City clerk, physician and certain other officers appointed by council.
22. Other officers, not specially provided for, how appointed—Term—Appointed to fill vacancies—Term of.
23. Officers—How removed—Charges—Trial—Judgment, etc.
24. Mayor's office—Vacancy in, how filled—Other vacancies.
25. Official bonds when to be filed—Consequence of failure—Officer not to be surety.
26. Who eligible to office—Defaulters not.
27. Elections, how conducted—Officers to be notified.
28. Returns of election, how made and canvassed.
29. Qualifications of voters—Officers how voted for.
30. Voters not liable to arrest on civil process on election day.

1. OFFICERS OF THE CITY.] *Act February 13, 1863, chap. 2.* SECTION 1. The municipal government of the city shall consist of a common council, composed of the mayor and two aldermen from each ward. The other officers of the corporation shall be as follows: A clerk, a comptroller, a board of public works, a city engineer, a board of police, a superintendent of police, a school agent, a board of education, a superintendent of schools,* a board of guardians of the reform school, a commissioner of the reform school,† a counsel to the corporation, a city attorney, a treasurer, a collector, a city physician, a board of assessors, two or more police justices, a clerk of the police court, one chief, and a first and second assistant engineers of the fire department,‡ one or more harbor masters, one inspector of fish, three inspectors of elections for each ward or election precinct, and as many bridge-tenders, firemen, constables, policemen, sealers of weights and measures, inspectors, measurers, weighers, gaugers, keepers and assistants of work-houses, hospitals and bridewell or house of correction, bellmen, and such other officers and

* Board of education to appoint its own officers; *post*, chapter 18.

† Office of commissioner of reform school abolished; see reform school, *post*, chapter 20.

‡ Office of chief engineer and assistant engineers abolished; see act February 16, 1865, *post*, chapter 14, section 32.

agents as may be provided for by this act, or the common council may, from time to time, direct.*

2. ELECTION—CLERK TO GIVE NOTICE OF.] *Ibid.* SEC. 3. The municipal election in said city shall be held on the third Tuesday of April in each year, at which time there shall be elected, by the qualified voters of said city, all officers to be elected at the general municipal election. Six days' previous public notice of said election shall be given by the city clerk, by publication in one or more newspapers published in said city, and no special election shall be hereafter held in said city, for the election of city officers, except in this act provided.†

3. ELECTION, WHEN HELD.] *Act March 10, 1869.* SEC. 1. Thenceforward, hereafter, the municipal election in said city of Chicago shall be held on the Tuesday next after the first Monday of November in each year, at which time there shall be elected, by the qualified voters of said city, all officers heretofore to be elected at the general municipal election under the provision of said entitled act.‡

4. OFFICERS—WHEN TO ENTER UPON DUTIES.] *Ibid.* SEC. 2. The municipal officers so chosen shall enter upon the duties of their respective offices on the first Monday of December succeeding their election.

5. TERM OF CERTAIN OFFICERS.] *Ibid.* SEC. 3. The mayor, city attorney, treasurer, collector and clerk of the police court shall be elected by the people, and shall hold their respective offices for the term of two years and until their successors shall be elected and qualified. The person having the highest number of votes, in the whole city, for either of such offices shall be declared elected.

6. OTHER OFFICERS—WHEN ELECTED OR APPOINTED.] *Ibid.* SEC. 4. That all officers of the municipal government of said city, elected by the common council thereof or appointed by the mayor, shall be so elected and appointed on the second Monday in December, 1869, or as soon thereafter as may be, and biennially thereafter.§

7. EXCEPTIONS.] *Ibid.* SEC. 10. Nothing in this act shall be construed to change the terms of office, or manner of appointing and electing the members of the board of public works and the commissioner of taxes, nor in any way, change or alter the terms of office, or the time or manner of electing or appointing the members of the board of education.

8. VACANCY IN OFFICE OF ALDERMAN—WHEN CREATED.] *Act February 13, 1863, chap. 2.* SEC. 7. * * * If any alderman remove from the ward represented by him, or shall engage or continue in any service, business or employment causing a continuous absence from the city for more than four months, his office shall thereby become vacant; and whenever an

* Office of tax commissioner and assistant assessor established; see assessment and collection taxes, *post*, chapters 10 and 11. Board of health established; see board of health, *post*, chapter 12. Power to appoint prosecuting attorney for police courts; see police court, *post*, chapter 13. Power to appoint board of directors of public library, see *post*, chapter 19. Power to appoint board of education, see schools, *post*, chapter 18. Power to appoint board of inspectors of house of correction; see house of correction, *post*, chapter 21. As to inspectors of election, see *post*, chapter 22, section 25 and act April 3, 1872, statutes of Illinois entitled "elections."

† See next section (3).

‡ Act of February 13, 1863. See sections 1 and 2, *ante*.

§ See section 7, this chapter.

vacancy shall occur in the office of any alderman, the common council shall, within ten days after the happening of such vacancy, order a new election: *Provided*, that more than six months of the term shall then remain unexpired.*

9. ALDERMEN, ELECTED BY WARDS—TERM OF—TIE VOTE.] *Act March 10, 1869.* SEC. 7. The several wards of said city, created by this act, shall be respectively represented, in the common council, by two aldermen, who shall be residents thereof, and who shall, except as herein otherwise provided, hold their offices respectively for two years from and after the first Monday in December next succeeding their election. They shall be divided into two classes, each class consisting of one alderman from each ward. The seats of the first class shall be vacated at the end of the first year, and of the second class at the expiration of the second year, so that one alderman from each ward shall be annually elected. In all cases where two aldermen are to be chosen from the same ward at any annual election, the alderman having the highest number of votes shall be declared elected for two years, and the candidate having the next highest number of votes for one year, and in the case of the two successful candidates having an equal number of votes, the term of service to which they shall be respectively entitled shall be determined by the casting of lots in the presence of the common council, and the result shall be entered on their proceedings and records.

10. CITY OFFICERS—TIE VOTE IN ELECTION—HOW DECIDED.] *Act February 13, 1863, chap. 2.* SEC. 8. Whenever there shall fail to be an election of any officer, voted for by the people, in consequence of two or more candidates receiving the highest and an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, and the result shall be entered upon their proceedings.†

11. CITY OFFICES—VACANCY, HOW CAUSED.] *Act March 10, 1869.* SEC. 17. If any officer, elected or appointed in said city, representing a ward or division in any of the branches of the city government, shall not reside in, or shall remove from the ward or division he represents, his office shall be deemed vacant and be filled as now provided by law.‡

12. BOARDS OF PUBLIC WORKS AND POLICE, HOW CONSTITUTED—QUALIFICATIONS.] *Act February 13, 1863, chap. 2.* SEC. 9. The board of public works and the board of police shall each consist of three commissioners, in addition to the mayor, who shall be chosen by the people, one from the north, one from the south, and one from the west division of said city. * * * And no person shall be elected a commissioner of either of said boards, unless he has been a resident of said city at least three years and a resident freeholder in the division of said city for which he is elected at least one year immediately preceding his election.§

13. MAYOR NO LONGER A MEMBER OF EITHER BOARD.] *Act February*

* The omitted part of this section is repealed by act of March 10, 1869. See *post*, section 9, also sections 11 and 24 as to non-residence, etc.

† See act of April 3, 1872, statutes of Illinois, entitled "Elections."

‡ See section 8, *ante*.

§ See sections 13, 14, 15 and 16.

16, 1865. SEC. 19. From and after the passage of this act, the mayor of said city shall cease to be, in any manner, a member of the board of police and of the board of public works of said city.

14. BOARD OF PUBLIC WORKS, HOW APPOINTED—QUALIFICATIONS AND TERM.] *Act March 9, 1867, chap. 2.* SEC. 1. The board of public works shall consist of three commissioners, who shall be appointed, on or before the first Monday of April next, by the mayor of the city of Chicago, with the advice and consent of the common council—one from the south, one from the west and one from the north divisions of said city, each of whom shall have been a resident of said city at least three years, and a resident freeholder in the division of said city for which he is appointed at least one year immediately preceding such appointment. Said commissioners, when appointed, shall hold their offices for the term of years following: The one for the south division of said city, for six years; the one from the west division of said city, for four years; the one from the north division of said city, for two years, and until the appointment and qualification of their successors. The term of office of one commissioner of said board shall expire every second year, so that one commissioner of said board shall be appointed every second year, from the division of the city in which the commissioner resides whose term of office expires; such appointment being for the full term of six years. Should a vacancy occur, it shall be filled by appointment by the mayor, with the advice and consent of the common council, for the unexpired term.*

15. BOARD OF POLICE.] *Act February 16, 1865.* SEC. 11. The commissioner of the board of police of said city, now having the longest term to serve, shall continue in office until the next general election for county officers in the year one thousand eight hundred and sixty-seven, and until his successor shall be elected and qualified. The other two commissioners of the board of police of said city shall continue in office until the day of the general election for county officers, in the year one thousand eight hundred and sixty-five, and until their successors shall be elected and qualified.

16. ELECTED BY VOTERS OF COUNTY—TERM OF.] *Ibid.* SEC. 12. At the general election, in the year one thousand eight hundred and sixty-five, for county officers, there shall be elected, by the qualified voters of Cook county, two commissioners of the board of police, as successors to those whose term of office will then expire by the provisions of the foregoing section; and the commissioner so elected from the north division of said city, shall continue in office for six years, and the commissioner so elected from the south division of said city, shall continue in office for four years, and until their successors shall be elected and qualified; and at the general election for county officers, in the year one thousand eight hundred and sixty-seven, and biennially thereafter, there shall be elected by the qualified voters of said county, one commissioner of said board of police, as successor to the commissioner whose term of office will then expire by the provisions of this act, who shall hold his office for the term of six years. The residence and qualifications of the said commissioners of the board of police, shall be the same as are now provided by law.

* For time of appointment, see *ante*, sections 6 and 7.

17. VACANCY—HOW FILLED.] *Ibid.* SEC. 17. Should a vacancy occur at any time in the said board of police commissioners, it shall be filled by the appointment of the board of supervisors of said county, until the next annual election for county officers, when the qualified voters of said county may, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the unexpired term.*

18. COMMISSIONERS OF PUBLIC WORKS AND POLICE—HOW REMOVED—TRIAL.] *Act February 13, 1863, chap. 2.* SEC. 10. Any commissioner of the board of public works, or of the board of police, may, at any time, be removed from office for any misdemeanor, malfeasance or delinquency in office, by the judge of the circuit court of Cook county, on charges in writing, to be presented against him by the mayor or the common council. On the hearing before said judge, witnesses may be produced and sworn, both in support of the allegations and against them. Five days' notice shall be given to such member, by service of a copy of such charges. The judge may proceed to hear such allegations, either in term time or in vacation, and may adjourn such hearing from time to time. No member of either of said boards shall perform any duties, as such member, while such allegations are pending against him.†

19. BOARD OF GUARDIANS OF REFORM SCHOOL‡—TERM OF, ETC.] *Ibid.* SEC. 12. The board of guardians of the reform school shall consist of the comptroller and six guardians, to be appointed by the mayor, by and with the advice and consent of the common council. Said board shall be divided into three classes of two members each; those of the first class shall vacate their seats at the expiration of the first year, those of the second class at the expiration of the second, and those of the third class at the expiration of the third year. There shall be appointed annually, on or before the first Monday of June, two guardians to succeed those whose term of office expires. The guardians so appointed shall hold their offices for three years from the said first Monday of June, and until the appointment and qualification of their successors.

20. HARBOR MASTERS, HOW APPOINTED.] *Act February 15, 1865.* SEC. 27. All harbor masters and bridge-tenders in the service of said city, shall be hereafter appointed by the board of public works, and shall be required to give such bonds, for the faithful discharge of their duties, as said board may prescribe, and shall be removable at the pleasure of the board.§

21. CITY CLERK—CITY PHYSICIAN AND OTHER OFFICERS, HOW APPOINTED.] *Act February 16, 1865.* SEC. 1. That the following officers of said city, to-wit: The clerk, city physician, fish inspector, sealer of weights and measures, inspectors, guagers and weighers, shall be appointed by the common council by ballot,§ biennially, on the second Monday of May, or as soon thereafter as may be.|| The bridewell keeper of said city shall

* See *post*, chapter 3, section 3.

† See *post*, chapter 3, section 3.

‡ Board of health; see that title. Board of inspectors of house of correction; see house of correction. Board of education and board of directors of public library; see schools and public library.

§ As to the time of appointment see *ante*, section 6. See also, chapter 3, section 3, *post*.

|| As to assessors, see chapters 10 and 11, also act in regard to assessors and collectors of city taxes, April 25, 1873, *post*, appendix.

be elected, by ballot, by the common council, annually.* The assessors of said city shall be appointed annually, by ballot, by the common council, on the first Monday in March, or within thirty days thereafter. Any provision in the acts to which this is an amendment, conflicting with this section, is hereby repealed. In case the common council of said city shall provide for the appointment of a city auditor, he shall be appointed by ballot of the common council, and may be removed at any time, by a vote of two-thirds of all the aldermen authorized by law to be elected.†

22. OFFICERS—TERM, ETC., WHEN TERM NOT FIXED SPECIALLY.] *Act February 13, 1863, chap. 2.* SEC. 16. All other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by the mayor, by and with the advice and consent of the common council, biennially, on or before the second Monday of May, or as soon thereafter as may be,‡ and shall respectively continue in office two years from the said second Monday of May, and until the appointment and qualification of their successors. Officers elected or appointed to fill vacancies, shall respectively hold for the unexpired term only and until the election or appointment and qualification of their successors.

23. OFFICERS, HOW REMOVED—CHARGES—TRIALS, ETC.] *Ibid.* SEC. 17. Every person appointed to any office by the common council, or by the mayor with the advice and consent of the common council, and every person elected to any office by the people, for whose removal from office no other provision has been specially provided by this act, may be removed from such office by a vote of two-thirds of all the aldermen authorized by law to be elected.§ But no officer shall be removed except for cause, nor unless furnished with the charges and heard in his defense, and the common council shall have power to compel the attendance of witnesses and the production of papers, when necessary for the purpose of such trial, and shall proceed, within ten days, to hear and determine upon the merits of the case, and if such officer neglect to appear and answer to such charges, then the common council may declare the office vacant; and any officer may be suspended until the disposition of charges when preferred.

24. MAYOR'S OFFICE—VACANCY HOW FILLED—OTHER VACANCIES.] *Ibid.* SEC. 18. When any vacancy shall happen, by death, resignation, removal or otherwise, in the office of mayor, such vacancy shall be filled by a new election, and the common council shall order a new election within ten days after the happening of such vacancy, provided more than six months of the term shall then remain unexpired. Any vacancy occasioned by the death, removal, resignation or refusal to serve of any other city officer elected by the people, or appointed by the mayor with the advice and consent of the common council, may be filled by appointment by the mayor, with the advice and consent of the council, except in cases where a different provision is herein specially made for filling such vacancy. The common council,

* See house of correction, chapter 21.

† As to duties of auditor if appointed, see *post*, chapter 5, section 61.

‡ Time when to be appointed changed; see *ante*, section 6.

§ Mayor may remove; see *post* chapter 3, section 3.

with the like exception, may fill any vacancy occurring in any office, to which, by this act, they have the power of election or appointment.*

25. OFFICIAL BONDS—WHEN TO BE FILED—FAILURE—OFFICER NOT TO BE SURETY.] *Ibid.* SEC. 19. All city officers who are required, by the provisions of this act, or by any legal ordinance passed by the common council, to give bonds for the faithful performance of their official duty, shall file their bonds with the city clerk, within fifteen days after their election or appointment, and he shall record the same, when approved, in a book kept for that purpose. When bonds are not filed with the city clerk within fifteen days after the votes shall have been officially canvassed, or after the appointment shall have been made, the person so in default shall be deemed to have refused said office, and the same shall be filled by appointment as in other cases. If, in any case, any official bond, so filed, shall not be approved, the officer filing the same shall furnish a new and satisfactory bond, within fifteen days after such disapproval, and in case of failure so to do, he shall be deemed to have refused said office, and the same shall be filled as above provided. No alderman or other city officer shall be taken as surety upon any bond, note or obligation made to the city. No city officer, required to give bond as aforesaid, shall enter upon the discharge of the duties of his office until such bond shall have been filed and approved as by this act provided.

26. WHO ELIGIBLE TO OFFICE—DEFAULTERS.] *Ibid.* SEC. 20. All citizens of the United States, qualified to vote at any election held under this act, shall be qualified to hold any office created by this act, except in cases where a different provision has been herein especially made; but no person shall be eligible to any office or place under this or any other act in relation to said city, who is now, or may hereafter be, a defaulter to said city, or to the state of Illinois, or any county thereof; and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over, to the party authorized to receive the same, any public money which may have come into his possession. And if any person holding any such office or place shall become a defaulter whilst in office, the office or place shall thereupon become vacant.

27. ELECTIONS HOW CONDUCTED—OFFICERS ELECTED TO BE NOTIFIED.] *Ibid.* SEC. 21. The manner of conducting and voting at elections to be held under this act, and contesting the same, the keeping of the poll-lists, canvassing of the votes, and certifying the returns, shall be the same, as nearly as may be, as is now, or may hereafter be, provided by law at general state elections: *Provided*, the council shall have power to regulate elections. The voting shall be by ballot, and the inspectors of elections shall take the same oath and shall have the same power and authority as inspectors of general elections. The polls shall be opened by the inspectors at eight o'clock in the morning, and kept open until seven o'clock in the evening, and every violation of this provision shall subject the inspectors so offending to a penalty of one hundred dollars. After the closing of the polls, the ballots shall

* *Post*, chapter 3, section 3.

be counted in the manner required by law, and the returns shall be returned sealed to the city clerk within three days after the election, and thereupon the common council shall meet and canvass the same and declare the result of the election. It shall be the duty of the clerk to notify all persons, elected or appointed to office, of their election or appointment, and unless such persons shall respectively qualify, within fifteen days thereafter, the office shall become vacant.*

28. ELECTION RETURNS—BOARD OF CANVASSERS.] *Act March 1 1869.* SEC. 12. The returns of elections, ballots, poll and registry lists, books shall be made to and deposited with the clerk of the county court of said Cook county, and in canvassing said returns he shall call to his assistance the city clerk of said city and three justices of the peace of said county who shall constitute the board of canvassers, and who shall have all the powers and perform all the duties appertaining thereto, as now required by law, and, as to city officers, shall certify in writing to the common council of said city, under their hands, the number of votes received by each and every candidate voted for, for any municipal office, immediately after making said canvass.*

29. QUALIFICATIONS TO VOTE.] *Ibid.* SEC. 13. The qualification of voters under this act shall be the same as now required by law at general elections, and all officers to be elected by the people under this act shall be voted for on the same ballot with the officers to be elected under the constitution and general laws of the state.†

30. FREEDOM FROM ARREST, ETC., ELECTION DAY, ETC.] *Act February 13, 1863, chap. 2.* SEC. 23. The persons entitled to vote at any election held under this act, shall not be arrested on civil process within said city upon the day on which said election is held, and all persons illegally voting at any election under this act, shall be punishable according to the laws of this state.

CHAPTER 3.

POWERS AND DUTIES OF OFFICERS.

SECTION.

1. Officers to be sworn before entering upon their duties.
2. Duties of mayor—His salary.
3. Mayor to appoint and remove all officers except those elected, etc.
4. Mayor may inspect all city books, etc.—To give information to council.

SECTION.

5. Mayor may veto one or more items of appropriation ordinance.
6. Mayor ex-officio president of council.
7. Limitation on powers conferred by sections 4, 5 and 6.
8. Veto power of mayor.
9. Acting mayor, when appointed.

* See next section; see also statutes of Illinois, act of April 3, 1872, entitled "Elections;" also *post*, chapter 22, section 25.

† See act April 3, 1872, "Elections," statutes of Illinois.

SECTION.

10. Aldermen conservators of the peace—Exempt from jury service.
11. City clerk—His duties.
12. May appoint deputies—Powers of deputies.
13. Clerk to record all ordinances, etc.
14. Salary of city clerk.
15. Counsel to the corporation and city attorney to give their whole time to the duties of office.
16. Their duties.
17. Harbor master—Duties of.
18. Fish inspector—Duties of, etc.
19. Council may fix pay of.
20. City physician—His duties.
21. Council may prescribe other duties to all city officers.
22. Bond of comptroller, treasurer, collector and school agent.
23. Corporation newspaper to be designated—German newspaper.

SECTION.

24. Ordinances, etc., shall be published in a German newspaper.
25. Corporation newspaper, when to be designated.
26. Printing for city boards—How let.
27. Transfer of papers, etc., to successor in office.
28. Officers to be commissioned.
29. Salaries may be established for all officers, etc.
30. Salaries—When fixed not to be changed during municipal year.
31. Salaried officers to pay fees into city treasury—Penalty.
32. Salaries of mayor and certain other officers not less than \$4,000.
33. Salaries to be paid monthly.
34. Board of education, etc., no salaries—Not to be interested in purchases, etc.
35. Common council to establish salaries of all city officers whether elective or appointive.
36. Emergency clause.

1. OATH OF OFFICE.] *Act February 13, 1863, chap. 3.* SECTION 1. Every person chosen or appointed to an executive, judicial or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe the oath of office prescribed in the constitution of this state, and file the same, duly certified by the officer before whom it was taken, with the city clerk.*

2. MAYOR'S DUTIES, SALARY, ETC.] *Ibid*, SEC. 2. The mayor shall preside over the meetings of the common council and take care that the laws of the state and the ordinances of the city are duly enforced, respected and observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information, and recommend such measures, as he may deem advantageous to the city. He shall have a salary of thirty-five hundred dollars per annum in full compensation of all official services devolved upon him by this or any subsequent act.† He shall be a member ex-officio of the board of police and of the board of public works, and shall be clothed with all the power and authority and be subject to all the general duties and responsibilities of a commissioner of each of said boards:‡ *Provided, however, that he shall not act as commissioner of the board of public works in making any special assessment for any public work or improvement, nor shall he be required to give a bond to the city as a member of either of said boards.* The mayor shall likewise have power, ex-officio, to administer any oath authorized to be taken by the laws of this state.

3. MAYOR TO APPOINT AND REMOVE ALL OFFICERS EXCEPT THOSE ELECTED, ETC.] *Act March 9, 1872.* § SEC. 1. That in all cities in this state, all city officers (whose election by the qualified voters thereof is not provided for by law) and also all members of boards organized under the charter (or amendments thereto) of any such city, except those appointed by the governor of the state, shall be appointed by the mayor of the city, by and with the consent of the legislative authority thereof, a majority of

* As to board of public works ; *post*, chapter 6, section 35.

† Salary of mayor, *post*, section 32, also *post*, section 35.

‡ Mayor no longer a member of the board of police or the board of public works ; see chapter 2, section 12.

§ In force for two years only ; *post*, section 7.

all the members elect concurring by yeas and nays to be entered upon its journal. Any such city officer or member of any such board may be removed by the mayor of any such city, whenever, in his opinion, the interests of the city may require such removal; but he shall report, in writing, his reasons for such removal to the said legislative authority at its next regular meeting. In case of a removal from, or a vacancy in, any such office or board, a successor may be appointed by the mayor, with the like consent of the legislative authority of any such city.

4. MAYOR INSPECT ALL CITY BOOKS, RECORDS, ETC.] *Ibid.* SEC. 2. The mayor of any such city shall have power, at any and all times, to examine and inspect the records, books and papers of any board, officer, agent or servant of the city, and to require from him or them a detailed statement, in writing, of any transaction of such board, officer, agent or servant. It shall be the duty of any such mayor, when requested by resolution, to furnish to the legislative authority of any such city, or either branch thereof, any information in his possession or control, concerning any matter or transaction connected with the administration of the city government. The mayor of every such city shall be held responsible for the good order and government of the city; he shall have and exercise, within the city limits, the powers conferred by law upon sheriffs of counties to suppress disorder and keep the peace, and in the exercise of such powers, he may direct and control the officers and members of the police and fire departments of the city.

5. MAYOR MAY VETO ALL OR PART OF APPROPRIATION ORDINANCE.] *Ibid.* SEC. 3. That whenever by law the legislative authority of any such city is required to provide for the municipal expenditures by the passage of an annual appropriation bill (or ordinance) it shall and may be lawful for the mayor thereof, when any such bill or ordinance is submitted to him for approval or disapproval, to veto any one or more items or appropriations contained in such bill or ordinance, or to veto or approve the entire bill or ordinance. If he shall veto only a part of such bill or ordinance and approve the remainder, the part approved shall be as valid as if the whole ordinance had been approved; and he shall report to such legislative authority, his reasons for vetoing the part of the ordinance vetoed, and the same proceedings shall be had, as to the items or parts vetoed, as is by law provided to be had when there is a veto of the bill or ordinance as a whole.

6. MAYOR EX-OFFICIO PRESIDENT OF COUNCIL.] *Ibid.* SEC. 4. Mayors shall be ex-officio presidents of the common councils or boards of aldermen of all cities in this state, and shall preside, when present, at all meetings, and appoint the standing committees.

7. LIMITATION AS TO LIFE OF ACT.] *Ibid.* SEC. 5. This act shall only remain in force for the term of two years from and after its passage.*

8. VETO POWER OF MAYOR.] *Act February 13, 1863, chap. 3.* SEC. 3. Every act, ordinance or resolution, passed by the common council, before it shall take effect and within five days after its passage, shall be presented, duly certified by the city clerk, to the mayor for his approbation. If he

* Act March 9, 1872, sections 3, 4, 5, 6 and 7 of this chapter.

approve, he shall sign it; if not, he shall return it with his objections, in writing, to the city clerk, and the clerk shall submit said objections to the common council at their next regular meeting, who shall enter said objections upon their record, and proceed to reconsider the matter, and if, after such reconsideration, two-thirds of all the members elected shall agree to pass the same, it shall take effect as an act or law of the corporation. If the mayor shall not return any act, ordinance or resolution so presented to him, within five days, it shall take effect in the same manner as if he had signed it.

9. ACTING MAYOR—WHEN APPOINTED.] *Ibid.* SEC. 4. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office, by reason of absence or sickness, the common council shall appoint, by ballot, one of their number to preside over their meetings whose official designation shall be acting mayor. And the alderman so appointed shall be vested with all the powers and perform all the duties of mayor until the mayor shall resume his office, or the vacancy be filled by a new election.

10. ALDERMEN—CONSERVATORS OF THE PEACE—EXEMPTION.] *Ibid.* SEC. 5. The members of the common council shall be fire wardens and conservators of the peace, and shall be exempted from jury duty during their term of office.*

11. CITY CLERK—DUTIES.] *Ibid.* SEC. 6. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts, in like manner as if the originals were produced. He shall also have power to administer any oath authorized to be taken by the laws of this state.

12. MAY APPOINT DEPUTIES.] *Act March 9, 1867, chap. 6.* SEC. 5. The city clerk shall be authorized to appoint one or more deputies, subject, however, to the approval of the common council. Such deputies, after confirmation by the council, and after having taken the oath required to be taken by the clerk, may, in case of the sickness or absence of the clerk, perform all the duties imposed by law, or any ordinance of the city, on said clerk, and shall likewise be subject to the same liabilities and penalties.

13. ORDINANCES TO BE RECORDED.] *Ibid.* SEC. 6. The clerk shall record all orders and ordinances passed by the common council, in a proper book or books, with proper indexes; and transcripts from such books, certified by him under the corporate seal, shall be evidence in all courts and places, in like manner as if the originals were produced.†

14. SALARY OF CLERK.] *Ibid.* SEC. 5. The city clerk shall receive an annual salary of not less than twenty-five hundred dollars nor more than three thousand five hundred dollars, to be fixed by the common council.‡

15. CORPORATION COUNSEL AND CITY ATTORNEY.] *Act February 16,*

* Post, chapter 22, section 7.

† Post, chapter 22, section 12.

‡ Post, section 35.

1865. SEC. 2. The corporation counsel of said city and the city attorney, shall devote themselves exclusively to the duties of their respective offices, and shall have their office in such place as shall be provided by the common council. Neither of said officers shall be employed in any other business than that which relates to the duties of their offices respectively, during the terms for which they were chosen.

16. THEIR DUTIES.] *Act February 13, 1863, chap. 3.* SEC. 7. The counsel to the corporation shall be the chief officer of the law department of the city. He shall, with the assistance of the city attorney and subject to the directions of the comptroller, conduct all the law business of the corporation and of the departments thereof, and all other law business in which the city shall be interested, when so ordered by the corporation. Said officers shall hold their office in such place as the city may provide, and, when required, shall furnish written opinions upon subjects submitted to them by the mayor or common council, or any other department of the municipal government. The city attorney shall keep a docket of all the cases to which the city may be a party in any court of record, in which shall be briefly entered all steps taken in each cause, and which shall, at all times, be open to the inspection of the mayor, comptroller, or any committee of the common council. It shall also be the duty of said officers to draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city; to examine and inspect tax and assessment rolls, and all proceedings in reference to the levying and collection of taxes and assessments; and to perform such other duties as may be prescribed by the charter and ordinances of the city.*

17. HARBOR MASTER—DUTIES OF.] *Ibid.* SEC. 9. It shall be the duty of the harbor master to enforce all ordinances, and provisions of this act, in relation to the harbor.†

18. FISH INSPECTOR—DUTIES—FEES—BOND, ETC.] *Ibid.* SEC. 10. It shall be the duty of the fish inspector to inspect all pickled or salted fresh water fish sold or received for sale, or on consignment, in the city of Chicago. Any person or persons bringing or causing to be brought to the city of Chicago, for the purpose of sale, any fresh-water fish, shall have the same duly inspected by the said inspector before such fish shall be sold or in any way disposed of; and it shall be the duty of every person having such fish in his possession, for the purpose of selling or of dealing in the same, and every consignee having fish on consignment, before the said fish shall be sold or in anywise disposed of, to give notice to the inspector, and have such fish duly inspected and branded; and for this purpose, such person shall arrange the packages in a convenient manner, and have them in some suitable place. It shall be the duty of the inspector, on due application of any person or persons having such fish in possession, to repair to the place of deposit of such fish, if the same shall be within the limits of the city of Chicago, and inspect the same with as little delay as possible. The said inspector shall

* Ordinance, see *ante*, page 9.

† Ordinance, see *ante*, page 41.

secure sealed weights, and carefully weigh all fish offered for inspection ; and entitle said inspector to grant a certificate of due inspection, or to brand packages as duly inspected, he shall first find that the contents and weights of the several packages are as follows, viz.: Each barrel shall contain 200 lbs. ; each half barrel shall contain 100 lbs. ; each quarter barrel shall contain 50 lbs. ; and each eighth barrel shall contain 25 lbs. Such inspector shall, also, on branding any package of fish, plainly and distinctly mark on the head of each package, in some indelible manner, the kind, quantity and quality of fish contained in each package, respectively, together with his name and the year and month in which the same shall have been inspected. The inspector shall be entitled to the following fees for the performance of his duties, viz.: For unheading, heading, weighing, repacking, rining and inspecting and branding each barrel, 20 cents ; each half barrel, 10 cents ; each quarter barrel, 5 cents ; each extra hoop, 5 cents ; each extra head, 20 cents. The inspector shall not put his brand upon any package of fish, as duly inspected, unless the same be well hooped and headed, and in all respects sufficient to retain brine, and also be in good shipping condition. He shall keep a record of the number of packages and sizes, and of the kinds and qualities of fish, and for whom inspected, each year ; and shall make a report of the same to the common council, on the first day of January in each year. He shall keep an office at a convenient place, on or near the Chicago river, which shall be kept open during business hours, and in which the inspector shall at all times have some person, during his absence, to receive orders. No person holding the office of fish inspector of said city of Chicago, nor shall his employes or assistants, or either of them, buy or sell, or deal in, or in anywise be interested in, any fish sold or received for sale in the city of Chicago. He shall, before entering on the charge of the duties of his said office, give bond, with two good and sufficient sureties, in the penal sum of five thousand dollars, and running to the people of the state of Illinois, and conditioned that he will well and faithfully perform the duties of said office, and satisfy all damages that may legally be demanded of him by virtue of the provisions hereof. Any fish inspector neglecting, refusing or failing to comply with any of the provisions of this act, so far as they are made incumbent upon him, shall, for every offense, be liable to a fine of not less than five dollars nor more than one hundred dollars ; which said fine may be collected in the name and for the use of the city of Chicago ; and shall also be subject to immediate removal from office. Said inspector shall have the right to appoint and remove at pleasure, one or more assistants, who shall have the same right to brand all packages, inspected by either of them, in the name of said inspector ; but each assistant shall use some distinctive mark, with which he shall designate each package inspected by himself, so as to indicate by whom the inspection was actually made ; and the said inspector shall have the right to take bond, with sufficient surety and security, running to himself, from each of the assistants appointed by himself, and of the same tenor as the bond herein required to be executed by said inspector ; and the said inspector shall be liable for the acts of his said assistants, and may sue on the bonds of any of them, to recover

any damages that he may have suffered, by reason of their misfeasance or malfeasance. The said inspector shall have the right to sue, in any court having jurisdiction of the action, for his fees for services performed, either by himself or his assistants by virtue hereof.

19. COUNCIL MAY FIX PAY OF FISH INSPECTORS.] *Act February 16 1865.* SEC. 1. That the common council of the city of Chicago shall have power to fix and regulate the pay of fish inspectors.

20. CITY PHYSICIAN—DUTIES.] *Act February 13, 1863, chap.* SEC. 12. The city physician shall attend and administer to all sick persons confined in any police station-house, bridewell, work-house, house of refuge or other city prison, and shall attend to such other duties as may be prescribed by the board of health or common council.

21. COUNCIL MAY PRESCRIBE OTHER DUTIES TO CITY OFFICERS.] *Ibid.* SEC. 13. The common council shall have power, from time to time, to require further and other duties of all officers whose duties are herein prescribed, and prescribe the powers and duties of all officers appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and to fix their compensation. They may also require bonds to be given to the city of Chicago by all officers, for the faithful performance of their duties.

22. BOND OF COMPTROLLER AND OTHER OFFICERS.] *Ibid.* SEC. 14. The comptroller, treasurer, collector, and school agent, shall severally, before they enter on the duties of their respective offices, execute a bond to the city of Chicago, in such sum, and with such sureties, as the common council shall approve; conditioned that they shall faithfully execute the duties of their offices, and account for and pay over all moneys and other property received by them; which bonds, with the approval of the common council, certified thereon by the clerk, shall be filed with the clerk.

23. CORPORATION NEWSPAPER TO BE DESIGNATED—GERMAN NEWSPAPER.] *Ibid.* SEC. 15. The common council, at their annual meeting on the first Monday in May, in each year, or within not to exceed thirty days thereafter, shall designate one public newspaper printed in said city, which shall be published all ordinances, and other proceedings and matters required in any case by this act, or by the by-laws and ordinances of the common council, to be published in the corporation newspaper. And if the proprietors of the newspaper so designated, shall at any time during the year suspend the publication thereof, or decline longer to publish said proceedings, another newspaper shall be designated in its stead. The common council may also, in its discretion, provide for the publication of said ordinances and other proceedings, or such portion of the same as it may think proper, in some newspaper printed in the German language.*

24. ORDINANCES, ETC. TO BE PUBLISHED IN GERMAN.] *Act March 9 1867, chap. 6.* SEC. 13. The proceedings, notices and ordinances of said city and the departments thereof, shall be published in the newspaper printed in the German language having the largest daily circulation in said city.

* *Infra*, sections 24, 25.

fully as they are now required to be published in the corporation newspaper: *Provided*, that in no judicial or other proceeding shall the publication in such German paper be called in question, either as to the fact of its publication or to the correctness thereof.

25. NEWSPAPERS, WHEN DESIGNATED.] *Act March 10, 1869.* SEC. 16. The contract of said city with the corporation and German newspaper for the publication of the official proceedings, reports, assessments and other notices, is hereby continued until the second Monday in December next, when the common council shall proceed to elect the corporation printer and designate the German newspaper for the publication of the official proceedings of the different wards, [boards] the reports, assessments and other notices for the same time as provided in section six of this act for the election of other city officers.*

26. PRINTING OF CITY BOARDS.] *Act February 15, 1865.* SEC. 35. The board of public works, the board of education, and the board of police commissioners, shall have exclusive control and direction of all job printing required in their several departments, respectively, for which appropriations shall have been made by the common council, and shall, in all cases, procure the same to be done by contract with the lowest responsible bidder.

27. TRANSFER OF PAPERS, ETC. TO SUCCESSOR.] *Act February 13, 1863, chap. 3.* SEC. 16. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession belonging to said city, or appertaining to the office he held, he shall forfeit and pay for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And such successor shall and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this state.

28. OFFICERS TO BE COMMISSIONED.] *Ibid.* SEC. 17. All persons elected or appointed to any office under this act may be commissioned by warrant under the corporate seal, signed by the mayor or presiding officer of the common council and clerk.

29. SALARIES MAY BE ESTABLISHED, ETC.] *Ibid.* SEC. 18. The common council may, by ordinance, establish salaries, as a fixed compensation for all officers of said city whose salaries are not named herein, and may provide for their removal from office, in case they receive or retain other or greater fees than so paid or fixed by the corporation for their services.†

30. SALARIES, WHEN FIXED—NOT TO BE CHANGED, WHEN.] *Act February 15, 1865.* SEC. 26. The salaries of all city officers, who receive a fixed compensation for their services, and whose salaries are not definitely prescribed by the city charter, including all officers and employes in the police force and fire department of said city shall be established by the common council in the annual appropriation bill, or by some ordinance passed prior to the passage of such annual appropriation bill, and the salaries or compen-

* For section referred to see *ante*, chapter 2, section 6, page 386.

† *Post*, section 35.

sation, thus established, shall neither be increased nor diminished by the said common council, after the passage of said annual appropriation bill, during the then current municipal year, and no extra compensation shall ever be allowed to any such officer or employe in any department of the city government, over and above that provided in manner aforesaid.*

31. SALARIED OFFICERS TO PAY FEES INTO TREASURY—PENALTY.] *Act February 13, 1863, chap. 8.* SEC. 19. All fees, perquisites and emoluments of office whatever, by way of compensation for the performance of any official duty or duties, are hereby expressly prohibited to be retained by any officer whose compensation is provided to be paid by a salary to be fixed by the common council under this act; and all fees, perquisites and emoluments whatever, received or paid, or payable, to any officer, justice of the peace, mayor, clerk, attorney, collector, treasurer, commissioner of public works, comptroller, or other person, whose compensation is to be so paid by a fixed salary, shall belong to and be paid by such person or persons into the treasury of said city, the same as all other revenues belonging thereto; and any violation of this provision shall subject the offender to removal from his office, and the amount received by him shall be recoverable, by action of debt or assumpsit, in favor of said city.

32. SALARIES OF CERTAIN OFFICERS.] *Act April 19, 1869.* SEC. 8. The common council shall annually fix the salaries of the mayor, comptroller, collector, board of public works, commissioner of taxes and city counsellor at not less than four thousand dollars per annum.*

33. SALARIES TO BE PAID MONTHLY.] *Act February 13, 1863, chap. 3.* SEC. 20. All salaries shall be payable monthly or quarterly, out of the appropriate fund voted by the common council to pay the same, upon the warrant of the comptroller, as in other cases.

34. BOARD OF EDUCATION, ETC., NO SALARY—NOT TO BE INTERESTED IN PURCHASES, ETC.] *Ibid.* SEC. 22. No member of the board of guardians of the reform school, or of the board of education, shall receive any compensation for any services he may perform; nor shall any teacher, agent or employe of either board sell, dispose of, or be interested in any articles purchased, or work done, for the school or schools. Nor shall he be interested in any contract, loan, or anything else whereby he may receive any commission, interest, or other profits from the fund appropriated to the reform school or public schools, under the penalty of having his office immediately declared vacant by the common council.†

35. COMMON COUNCIL MAY FIX SALARIES OF ALL CITY OFFICERS.] *Act April 23, 1873.* SEC. 1. It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance, and the salaries or compensation thus fixed or

* *Post*, section 35.

† See *post*, chapter 18, sections 22-24.

established shall neither be increased or diminished by the said common council, or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employe over and above that provided in manner aforesaid.

36. EMERGENCY CLAUSE.] *Ibid.* SEC. 2. Whereas, the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers, in certain cases, whereby an emergency exists requiring this act to take immediate effect: Therefore, this act shall take effect and be in force from and after its passage.

CHAPTER 4.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION.

1. Mayor and aldermen constitute the common council—To determine time and place of meetings—Mayor to preside—In his absence, any alderman—Quorum.
2. Council to appoint presiding officer annually.
3. No alderman to receive any compensation, hold any lucrative office, or be interested in any contract.
4. To hold stated meetings—Special meetings, how called—To determine rules of proceeding—Be the judge of the election of its members, and compel their attendance.
5. Ordinances, petitions and communications to be referred to committees—Report of committees to be deferred and published on request of two aldermen.
6. No ordinance to be passed without engrossment unless waived by a three-fourths vote—Exceptions.
7. No vote to be reconsidered at special meetings unless as many are present as when such vote was taken.
8. Power to require reports from city officers.

SECTION.

9. On all ordinances to appropriate money, impose taxes or borrow money, the ayes and the nays to be taken—The votes of a majority of the board requisite to their passage.
10. Council to have general control of finances and property—Enumeration of powers.
11. Power to establish cemeteries, and make regulations therefor—The board of public works to superintend the grounds—Sale of lots—Penalty for violation of rules and regulations.
12. Liquor licenses Not to be granted except to parties in possession—Not to females except on recommendation of license committee—Power to revoke.
13. Streets or alleys may be vacated by a three-fourths vote of all aldermen elected.
14. Same—Lot lines to extend to the central line of street vacated.
15. Further general powers granted—Enumeration of powers.
16. Additional power as to dummies, etc.

1. COMMON COUNCIL HOW CONSTITUTED—QUORUM.] *Act February 13,*

1863, chap. 4. SECTION 1. The mayor and aldermen shall constitute the common council of said city. The common council shall meet at such times and places as they shall by resolution direct. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence any one of the aldermen may be appointed to preside. A majority of the persons elected as aldermen shall constitute a quorum.

2. ELECTION OF PRESIDING OFFICER.] *Act March 10, 1869. SEC. 11.*

On the first Monday of December next, and annually thereafter, the com-

mon council of said city, shall elect, from the aldermen, a presiding officer, who shall be invested with all the powers and duties incident thereto.*

3. NO ALDERMAN TO RECEIVE COMPENSATION, ETC.] *Act March 9, 1867, chap. 2.* SEC. 15. No alderman shall, during his continuance in office, receive any compensation for his services, or be appointed to, or competent to hold, any office the emoluments of which are paid from the city treasury, or paid by fees in pursuance of any act or ordinance of the common council, and no member of the common council, or other city officer, shall be directly or indirectly interested in any contract, the expense or consideration of which is to be paid under any ordinance or resolution of the common council.

4. STATED MEETINGS—RULES, ETC.] *Act February 13, 1863, chap. 4.* SEC. 3. The common council shall hold stated meetings, and the mayor or any two aldermen may call special meetings, by notice to each of the members of said council, served personally or left at his usual place of abode. Petitions and remonstrances may be presented to the common council, and the council shall determine the rules of its own proceedings, and be the judge of the election and qualifications of its own members, and have power to compel the attendance of absent members.

5. ORDINANCES, PETITIONS, ETC., TO BE REFERRED TO COMMITTEES.] *Ibid.* SEC. 4. All ordinances, petitions and communications to the common council shall, unless by unanimous consent, be referred to appropriate committees, and only acted on by the council at a subsequent meeting, on the report of the committee having the same in charge. Any report of a committee of the council may be deferred to the next regular meeting of the same, and the publication of said report in the corporation newspaper required, by request of any two aldermen present.

6. ORDINANCES TO BE ENGROSSED.] *Act March 9, 1867, chap. 6.* SEC. 5. No ordinance shall be finally adopted by the common council until the same shall be engrossed by the clerk, unless otherwise ordered by three-fourths of all the aldermen elected, except such orders and ordinances as are sent to the council by the board of public works, relating to public improvements paid for by special assessments.†

7. RECONSIDERATION.] *Act February 13, 1863, chap. 4.* SEC. 5. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

8. POWER TO REQUIRE REPORTS OF CITY OFFICERS.] *Ibid.* SEC. 6. The common council shall have power to require from any officer of said city, at any time, a report in detail of the transactions in his office, or of any other matter by said council deemed necessary.

9. YEAS AND NAYS, WHEN NECESSARY.] *Ibid.* SEC. 7. Upon the passage of all orders, ordinances or resolutions appropriating money, imposing taxes, or authorizing the borrowing of money, the yeas and nays shall

* Mayor, ex-officio president of council and appoints all standing committees for two years from March 1872; *ante* chapter 3, section 3.

† See *post*, chapter 8, section 21. For ordinance in regard to "Ordinances," *ante*, page 86.

be entered on the record of the common council, and a majority of the votes of all the aldermen entitled to seats in the board shall be necessary to their passage.

10. To CONTROL FINANCES—GENERAL POWERS.] *Ibid.* SEC. 8. The common council shall have, subject to the provisions hereinafter contained, the general management and control of the finances and all the property, real, personal and mixed, belonging to the corporation. and shall likewise have power within the jurisdiction of the city, by ordinance :

First. To lease the wharfing privileges of the river, at the ends of streets, upon such terms and conditions as may be usual in the leasing of other real estate, reserving such rents as may be agreed upon, and employing such remedies in case of non-performance of any covenants in such lease, as are given by law in other cases. But no buildings shall be erected thereon ; nor shall a lease for a longer period than three years at any time be executed ; and the owner or owners of the adjoining lot or lots shall, in all cases, have the preference in leasing such property ; and a free passage over the same for all persons with their baggage, shall be reserved in such lease : *Provided*, nothing in this section shall be so construed as to impair or prejudice any rights which any person may have acquired by the acceptance of any proposition heretofore made by said city respecting the wharfing privileges.

Second. To remove and prevent all obstructions in the waters, which are public highways in said city, and to widen, straighten and deepen the same.

Third. To prevent and punish forestalling and regrating, and to prevent and restrain every kind of fraudulent device and practice.

Fourth. To restrain and prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

Fifth. To regulate the selling or giving away of any ardent spirits, by any shop-keeper, trader or grocer, to be drunk in any shop, store or grocery, out-house, yard, garden or other place within the city.

Sixth. To forbid the selling or giving away of ardent spirits or other intoxicating liquors, to any child, apprentice or servant, without the consent of his or her parent, guardian, master or mistress.

Seventh. To license, regulate and restrain tavern-keepers, grocers, and keepers of ordinaries or victualing or other houses or places for the selling or giving away wines and other liquors, whether ardent, vinous or fermented.

Eighth. To license, tax, regulate, suppress and prohibit billiard tables, pin alleys, nine or ten pin alleys and ball alleys.

Ninth. To license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others, whether in the permanent employment of any individual, firm, or corporation, or otherwise, who may pursue like occupations, with or without vehicles, and prescribe their compensation.

Tenth. To tax, license and regulate auctioneers, distillers, brewers and pawn-brokers, and all keepers or proprietors of junk-shops and places for the sale or purchase of second-hand goods, wares or merchandise.

Eleventh. To license, tax, regulate and suppress hawkers and peddlers.

Twelfth. To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Thirteenth. To authorize the mayor, or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year; and that not more than five hundred dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar, but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or retail, or by inn-keepers or others, as aforesaid, shall be less than fifty dollars. No fee may be taken on the granting of license, for the due observance of the ordinances or regulations of the common council.*

Fourteenth. To prevent any riot or noise, disturbance or disorderly assemblage.

Fifteenth. To suppress and restrain disorderly houses and groceries, and houses of ill-fame, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

Sixteenth. To compel the owner or occupant of any grocery, cellar, sal-low-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

Seventeenth. To direct the location and management of, and regulate and license breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, license, restrain, abate, and prohibit, within the city and the distance of four miles therefrom, distilleries, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as can or may be rendered; and all establishments or places where any nauseous, offensive or unwholesome business may be carried on: *Provided*, that for the purposes of this section, the Chicago river and its branches, to their respective sources, and the land adjacent thereto, or within one hundred rods thereof, shall be deemed to be within the jurisdiction of the city.

Eighteenth. To establish and regulate markets and other public buildings, and provide for their erection and determine their location.

Nineteenth. To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city, and restrain and punish the forestalling of poultry, fruit and eggs.

Twentieth. To direct and prohibit the location and management of houses for the storing of gunpowder or other combustible and dangerous materials within the city.

* Further provisions as to licenses, *post*, section 12.

Twenty-first. To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

Twenty-second. To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person; and punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals, attached to vehicles or otherwise, while standing or remaining in the street.

Twenty-third. To prevent the encumbering of the streets, sidewalks, lanes, alleys, public grounds, wharves and docks, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any substance or material whatever.

Twenty-fourth. To regulate and determine the times and places of bathing and swimming in the canals, rivers, harbors or other waters, in and adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

Twenty-fifth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-sixth. To restrain and regulate, or prohibit the running at large of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto.

Twenty-seventh. To prevent and regulate the running at large of dogs; to tax and to authorize the destruction of the same when at large contrary to the ordinance.

Twenty-eighth. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusements or practice having a tendency to annoy persons passing in the streets, or on the sidewalks, or to frighten teams and horses.

Twenty-ninth. To make regulations to prevent the introduction or spread of contagious diseases into the city; to make quarantine laws, and enforce the same within the city and not to exceed fifteen miles beyond the city bounds.

Thirtieth. To control and regulate the streets and alleys, and to remove and abate any obstructions and encroachments therein.

Thirty-first. To compel all persons to keep the snow, ice and dirt from the side-walks, in front of the premises owned or occupied by them.

Thirty-second. To prevent the ringing of bells, blowing of horns and bugles, crying of goods, and all other noises, performances and devices tending to the collection of persons on the streets or sidewalks, by auctioneers or others, for the purpose of business, amusement or otherwise.

Thirty-third. To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any other parts of said city, or within its jurisdiction, by indictment or otherwise.

Thirty-fourth. To license, regulate and restrain runners for boats and stages, cars and public houses.

Thirty-fifth. To regulate the burial of the dead and registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, sextons and others, for any default in the premises.

Thirty-sixth. To regulate and prohibit the keeping of any lumber yard, and the placing, piling, or selling lumber, timber, wood or other combustible material within the fire limits of said city.

Thirty-seventh. To regulate the measuring and inspecting of lumber, shingles, timber, posts, staves and heading, and all building materials, and appoint one or more inspectors.

Thirty-eighth. To regulate the place and manner of selling pickled and other fish.

Thirty-ninth. To regulate the weighing and place and manner of selling hay; and the cutting and sale of ice, and to restrain the sale of such ice as is impure.

Fortieth. To regulate the measuring of wood and the weighing and selling of coal, and the place and manner of selling the same.

Forty-first. To regulate the inspection of flour, meal, pork, beef and other provisions, and salt to be sold in barrels, hogsheads and other packages.

Forty-second. To regulate the inspection of whiskey and other liquors, to be sold in barrels, hogsheads and other vessels.

Forty-third. To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.*

Forty-fourth. To regulate the sale of bread within said city, and prescribe the weight of bread in the loaf, and the quality of the same.

Forty-fifth. To regulate public pumps, wells and cisterns, hydrants and reservoirs, and to prevent the unnecessary waste of water.

Forty-sixth. To establish and regulate public pounds.

Forty-seventh. To erect lamps, and regulate the lighting thereof.

Forty-eighth. To regulate and license ferries.

Forty-ninth. To regulate and prohibit the use of locomotive engines within the city, and require railroad cars to be propelled by other power than that of steam; to direct and control the location of railroad tracks, and to require railroad companies to construct, at their own expense, such bridges, tunnels or other conveniences, at public railroad crossings, as the common council may deem necessary; also to regulate the running of horse-railway cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail to be used.

Fiftieth. To erect and establish, either within or without the corporate limits of the city, a bridewell or house of correction, and purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the said bridewell or house of correction, shall be confined all vagrants, stragglers, idle or dis-

* *Ante*, chapter 3, section 3, page 393.

orderly persons who may be committed thereto, by any criminal court or magistrate in and for the city, and all persons sentenced to said bridewell or house of correction, by any criminal court or magistrate in and for the city, for any assault and battery, petit larceny or other misdemeanor punishable by imprisonment in any county jail; and all persons confined therein may be kept at labor or in solitary confinement.

Fifty-first. To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.

Fifty-second. Exclusively to erect and construct, or to permit or cause or procure to be erected and constructed, float, pivot or draw bridges, over the navigable waters within the jurisdiction of said city, and keep the same in repair; said bridges to have draws of suitable width.

Fifty-third. To preserve the harbor; to prevent any use of the same, or any act in relation thereto, inconsistent with, or detrimental to the public health, or calculated to render the waters of the same, or any part thereof, impure or offensive, or tending in any degree to fill up or obstruct the same; to prevent and punish the casting or depositing therein any earth, ashes or other substance, filth, logs or floating matter; to prevent and remove all obstructions therein, and punish the authors thereof; to regulate and prescribe the mode and speed of entering and leaving the harbor, of passing the bridges, and of coming to, and departing from, the wharves and streets of the city, by steamboats, canal boats, and other crafts and vessels, and the disposition of the sails, yards, anchors and appurtenances thereof, while entering, leaving, or abiding in the harbor, and to regulate and prescribe by such ordinances, or through their harbor master or other authorized officer, such location of every canal boat, steamboat, or other craft or vessel, or float, and such changes of station in, and use of, the harbor, as may be necessary to promote order therein, and the safety and equal convenience, as near as may be, of all such boats, vessels, crafts and floats; and to impose penalties not exceeding one hundred dollars for any offense against any such ordinance; and by such ordinance charge such penalties, together with such expenses as may be incurred by the city in enforcing this section, upon the steamboat, canal boat, or other vessel, craft or float. The harbor of the city shall include the piers and so much of Lake Michigan as lies within the distance of one mile into the lake, and the Chicago river and its branches to their respective sources.

Fifty-fourth. To control, regulate, repair, amend and clear the streets and alleys, bridges, side and cross walks, and open, widen, straighten and vacate streets and alleys,* and establish and alter the grade thereof, and prevent the encumbering of the streets in any manner, and protect the same from any encroachment and injury.

Fifty-fifth. To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

* Further provisions as to vacating streets, alleys, etc., post, section 18.

Fifty-sixth. To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies, direct and regulate their construction and cause the expenses to be collected in the manner hereinafter provided.

Fifty-seventh. To erect and establish one or more pest houses, hospitals or dispensaries, and control and regulate the same.

Fifty-eighth. To abate all nuisances which are or may be injurious to the public health, in any manner they may deem expedient.

Fifty-ninth. To do all acts and make all regulations which may be necessary or expedient, for the preservation of health, and the suppression of disease.

Sixtieth. To prevent any person from bringing, depositing or having within the limits of said city, any dead carcass, or any other unwholesome substance, and to require the removal or destruction by any person who shall have, place, or cause to be placed, upon or near his premises, any such substance, or any putrid or unsound beef, pork or fish, hides or skins of any kind; and, on his default, to authorize the removal or destruction thereof by some officer of the city.*

Sixty-first. To authorize the taking up and to provide for the safe keeping and education, for such periods of time as may be deemed expedient, of all children who are destitute of proper parental care and growing up in mendicancy, ignorance, idleness and vice.

Sixty-second. To lease or purchase, improve and maintain suitable grounds, either within or without the corporate limits of said city, for a house of refuge and correction, to erect buildings thereon, and adopt such rules and regulations for the government thereof, and the punishment of juvenile offenders therein, as may, from time to time, be deemed expedient.

Sixty-third. To authorize the arrest, fine and imprisonment in the city bridewell or house of correction, as vagrants, of all persons, who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame or houses of bad repute, gambling houses, railroad depots or fire-engine houses, or who shall be found trespassing in the night time upon the private premises of others, or begging, or placing themselves in the streets or other thoroughfares or public places to beg or receive alms; also keepers, exhibitors or visitors at any gaming table, gambling house, house of fortune-telling, places for cock-fighting, or other places of device; and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for obtaining money under false pretenses, or who shall disturb any place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Sixth-fourth. To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the

* Further provisions as to health and nuisances; see board of health, *post*, chapter 17.

powers vested in the common council, or any officer of said city, by this act; and enforce observance of all rules, ordinances, by-laws, and police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same. The common council may also enforce such rules, ordinances, by-laws and police and other regulations, as aforesaid, by punishment of fine or imprisonment in the county jail, bridge-well, or house of correction, or both, in the discretion of the magistrate or court before which conviction may be had: *Provided*, such fine shall not exceed five hundred dollars, nor the imprisonment six months.*

11. CEMETERIES — REGULATION OF.] *Ibid.* SEC. 9. The common council is hereby authorized to purchase, for said city, such tracts of land without the city limits, for the purpose of establishing cemeteries for the interment of the dead therein, as they may think necessary, which shall be exempt from taxation under any law of this state; and they are also authorized and empowered to pass and enforce such ordinances, rules and regulations with regard to the improvement, preservation, laying out, and ornamenting the same, and the sale of burial places or lots for the interment of the dead therein, as they may deem proper. The ground or grounds so laid out shall be placed under the superintendence of the board of public works of said city, and the lots which may be laid out and sold shall, with the appurtenances, forever be exempt from execution and attachment. As soon as said grounds are regulated and laid out, a map or plat thereof shall be made out by the board of public works, and a copy thereof filed in the comptroller's office, who shall have charge of the sale and disposition of all lots therein, under the ordinances and regulations of the common council. The proceeds of such sales shall be paid into the city treasury, and be credited and charged on the books of the treasury department to a "cemetery fund" to be kept distinct from all other funds of said city. The said common council is also fully empowered and authorized to provide for the punishment, by ordinance, of all persons who shall, without said city limits, be guilty of any violation of the regulations, rules and ordinances, established by said city in relation to such cemeteries; and such violations may be punished by fine and imprisonment, as in other cases, by any court of competent jurisdiction within said city, and all process issued for the arrest of any person or persons guilty of such violation, may be executed without said city limits, by any officer or constable thereof, the same as if such offense had been committed within the boundaries of the corporation.†

12. LIQUOR LICENSES—POWER TO REVOKE.] *Act February 15, 1865.* SEC. 34. Licenses to sell liquor shall not be granted to any person but the party in actual possession of the premises in which liquor shall be sold; and no license shall be granted to females, except upon the recommendation of a majority of the members of the committee on licenses of said city; and the mayor of said city may, in his discretion, revoke all licenses held in violation of this section, and all licenses held or granted to any person who may be convicted of gambling, immorality, or keeping a disorderly

* For other special powers, *infra*, section 15.

† Further powers of council, as to canals and tunnels, see *post*, chapter 16, section 33 *et seq.*

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And no license shall hereafter be issued or granted to any person
except upon the recommendation of not less than six
respectable householders living in the neighborhood of the applicant, and the
board of police.
13. VACATION OF STREETS AND ALLEYS.] Act February 16, 1865.
The vacation or closing of any street or alley, or portion of the
same, in said city, shall be ordered only by the vote of at least three-fourths
of all the aldermen authorized by law to be elected; such vote shall be taken
by ayes and noes, and entered on the record of the common council.*
14. SAME—LOT LINES TO EXTEND TO CENTRAL LINE OF.] Act Feb-
ruary 16, 1865. SEC. 1. That when any street, square, lane, alley, high-
way, or part thereof, shall have been, or may hereafter be, vacated under or
by virtue of any act or acts of this state, the lot or tract immediately adjoin-
ing shall extend to the central line of any such street, square, lane, alley,
highway, or part thereof, so vacated, unless otherwise specially provided in
the act vacating the same: *Provided*, that the common council of any city
in this state shall not have power to vacate, or order closed, any street or
alley, or portion of the same, unless such vacation shall be ordered upon the
vote of at least three-fourths of all the aldermen of said city, authorized by
law to be elected; such vote to be taken by ayes and noes, and entered on the
records of the common council.

15. FURTHER GENERAL POWERS.] Act March 9, 1867, chap. 5. SEC.

1. The common council of the city of Chicago shall have power, by ordi-
nance:

First. To prevent the interment of the dead within the present or future
limits of the city.

Second. To provide for the vacation of the several cemeteries in said city
by the purchase and extinguishment of the titles of lot owners, or other-
wise.

Third. To purchase grounds and erect thereon a city hall, and provide for
the payment thereof by the issuing and negotiating of the bonds of said city,
or by the levy and collection of taxes, or partly by both: *Provided, however*,
that no such levy shall in any one year exceed two mills on the dollar on the
assessed value of the real and personal estate in the city, made taxable by
the laws of this state.

Fourth. To provide for the inspection and regulation of stationary steam
engines and boilers.

Fifth. To appropriate not exceeding ten thousand dollars (\$10,000) in any
one year from the city treasury for celebrating the Fourth of July, for funeral
occasions, and to defray the expenses of entertaining official visitors of sister
cities: *Provided, however*, such order or appropriation shall be passed only
by the votes of at least three-fourths of all the aldermen elected, such vote
to be entered by ayes and noes on the records of the common council.

Sixth. To prescribe, regulate and control the time or times, manner and
speed of all boats, crafts and vessels passing the bridges over the Chicago
river and its branches.

* See chapter 8, post; and "Streets," appendix.

to control and regulate the construction of buildings, chimneys prevent and prohibit the erection or maintenance of unsafe buildings, stack, wall or chimney, in said city, and to be nuisances, and to provide for their summary abate-

.. To cause the seizure and destruction or other disposition of tainted wholesome meat, butter, vegetables, fruit or provisions.

Ninth. To authorize the use of the streets and alleys in said city by railroad companies, or city railway companies, for the purpose of laying tracks and running cars thereon: *Provided, however,* permission or authority shall not be given, nor shall any such grant or permission already given be extended, unless by vote at least [of] three-fourths of all the aldermen elected, such votes to be entered by ayes and noes on the records of the council: *And provided, further,* that no grant, consent, contract or permission heretofore given or made, or hereafter to be made or given, shall in any case be extended until within one year of the expiration of such grant, consent, contract or permission: *And provided, further,* that in case of a veto by the mayor, any such grant or permission shall receive the votes of three-fourths of all the aldermen elected, to take effect as an act or law of the corporation.

Tenth. To direct, regulate and prohibit the location and management of houses for the storing of gunpowder, or other combustible material, within the city and within one mile of the limits thereof.

Eleventh. To declare that it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm.

Twelfth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Thirteenth. To provide for the borrowing, from time to time, a sum of money not exceeding five hundred thousand dollars in the aggregate, to pay existing debts incurred by said city for sewerage works, and to increase the sewerage works of said city: *Provided, however,* the said loan or loans shall be made in strict conformity with the provisions of chapter sixteen of the act of 1863, to which this is an amendment.*

Fourteenth. To direct and require the board of public works to let the cleaning of the streets, alleys, lanes and highways, or ordinary repairs on the same or any part thereof, to the lowest reliable and responsible bidder or bidders. The said letting and contracts to be in all respects governed by the provisions of the law in regard to the letting of contracts for improving the streets: *Provided, however,* it shall require two-thirds of all the aldermen elected to pass any such ordinance, such vote to be taken by ayes and noes, and entered on the records of the council.

Fifteenth. To direct and authorize the board of health to let the scavenger work, night or day, or both, to the lowest reliable and responsible bidder

* See post, chapter 16.

house. And no license shall hereafter be issued or granted to any person convicted as aforesaid, except upon the recommendation of not less than six reputable householders, living in the neighborhood of the applicant, and the board of police.

13. VACATION OF STREETS AND ALLEYS.] Act February 16, 1865. SEC. 10. The vacating or closing of any street or alley, or portion of the same, in said city, shall be ordered only by the vote of at least three-fourths of all the aldermen authorized by law to be elected; such vote shall be taken by ayes and noes, and entered on the record of the common council.*

14. SAME—LOT LINES TO EXTEND TO CENTRAL LINE OF.] Act February 16, 1865. SEC. 1. That when any street, square, lane, alley, highway, or part thereof, shall have been, or may hereafter be, vacated under or by virtue of any act or acts of this state, the lot or tract immediately adjoining shall extend to the central line of any such street, square, lane, alley, highway, or part thereof, so vacated, unless otherwise specially provided in the act vacating the same: *Provided*, that the common council of any city in this state shall not have power to vacate, or order closed, any street or alley, or portion of the same, unless such vacation shall be ordered upon the vote of at least three-fourths of all the aldermen of said city, authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the common council.

15. FURTHER GENERAL POWERS.] Act March 9, 1867, chap. 5. SEC. 1. The common council of the city of Chicago shall have power, by ordinance:

First. To prevent the interment of the dead within the present or future limits of the city.

Second. To provide for the vacation of the several cemeteries in said city by the purchase and extinguishment of the titles of lot owners, or otherwise.

Third. To purchase grounds and erect thereon a city hall, and provide for the payment thereof by the issuing and negotiating of the bonds of said city, or by the levy and collection of taxes, or partly by both: *Provided, however*, that no such levy shall in any one year exceed two mills on the dollar on the assessed value of the real and personal estate in the city, made taxable by the laws of this state.

Fourth. To provide for the inspection and regulation of stationary steam engines and boilers.

Fifth. To appropriate not exceeding ten thousand dollars (\$10,000) in any one year from the city treasury for celebrating the Fourth of July, for funeral occasions, and to defray the expenses of entertaining official visitors of sister cities: *Provided, however*, such order or appropriation shall be passed only by the votes of at least three-fourths of all the aldermen elected, such vote to be entered by ayes and noes on the records of the common council.

Sixth. To prescribe, regulate and control the time or times, manner and speed of all boats, crafts and vessels passing the bridges over the Chicago river and its branches.

* See chapter 8, *post*; and "Streets," appendix.

Seventh. To control and regulate the construction of buildings, chimneys and stacks, and to prevent and prohibit the erection or maintenance of any insecure or unsafe buildings, stack, wall or chimney, in said city, and to declare them to be nuisances, and to provide for their summary abatement.

Eighth. To cause the seizure and destruction or other disposition of tainted or unwholesome meat, butter, vegetables, fruit or provisions.

Ninth. To authorize the use of the streets and alleys in said city by railroad companies, or city railway companies, for the purpose of laying tracks and running cars thereon: *Provided, however,* permission or authority shall not be given, nor shall any such grant or permission already given be extended, unless by vote at least [of] three-fourths of all the aldermen elected, such votes to be entered by ayes and noes on the records of the council: *And provided, further,* that no grant, consent, contract or permission heretofore given or made, or hereafter to be made or given, shall in any case be extended until within one year of the expiration of such grant, consent, contract or permission: *And provided, further,* that in case of a veto by the mayor, any such grant or permission shall receive the votes of three-fourths of all the aldermen elected, to take effect as an act or law of the corporation.

Tenth. To direct, regulate and prohibit the location and management of houses for the storing of gunpowder, or other combustible material, within the city and within one mile of the limits thereof.

Eleventh. To declare that it shall be unlawful for any hall, theatre, opera-house, church, school-house, or building of any kind whatsoever, to be used for the assemblage of people, unless the same is provided with ample means for the safe and speedy egress of the persons therein assembled, in case of alarm.

Twelfth. To control, regulate or prohibit the use of steam whistles within the limits of the city.

Thirteenth. To provide for the borrowing, from time to time, a sum of money not exceeding five hundred thousand dollars in the aggregate, to pay existing debts incurred by said city for sewerage works, and to increase the sewerage works of said city: *Provided, however,* the said loan or loans shall be made in strict conformity with the provisions of chapter sixteen of the act of 1863, to which this is an amendment.*

Fourteenth. To direct and require the board of public works to let the cleaning of the streets, alleys, lanes and highways, or ordinary repairs on the same or any part thereof, to the lowest reliable and responsible bidder or bidders. The said letting and contracts to be in all respects governed by the provisions of the law in regard to the letting of contracts for improving the streets: *Provided, however,* it shall require two-thirds of all the aldermen elected to pass any such ordinance, such vote to be taken by ayes and noes, and entered on the records of the council.

Fifteenth. To direct and authorize the board of health to let the scavenger work, night or day, or both, to the lowest reliable and responsible bidder

* See post, chapter 16.

or bidders, or in case a proper contract cannot be made, to authorize said board to do said work. Such letting to be governed in all respects, as nearly as may be, by the provisions of the charter in reference to the letting of street improvements.

Sixteenth. To regulate or prohibit the carrying or wearing by any person under his clothes, or concealed about his person, any pistol, or colt, or slung shot, or cross knuckles, or knuckles of lead, brass, or other metal, or bowie knife, dirk knife, or dirk or dagger, or any other dangerous or deadly weapons, and to provide for the confiscation or sale of such weapons.*

Seventeenth. To sell or otherwise dispose of any grounds heretofore purchased for a bridewell or house of correction.

Eighteenth. To purchase grounds, either within or without the corporate limits of said city, and erect the necessary buildings thereon for a city bridewell or house of correction.

Nineteenth. To provide for the payment of the same by the levy and collection of taxes, or the issue and negotiation of bonds, or partly by both.

Twentieth. To adopt all necessary rules and regulations for the government of said institution, and the proper discipline of the inmates thereof, and also to purchase all materials, tools and machinery necessary to secure the most beneficial results from the labor of said inmates.

Twenty-first. To require the superintendent, warden or keeper to keep such book or books of account as shall fully, and in detail, show all the receipts and expenditures of said institution, and to require a report of the condition thereof from time to time.

Twenty-second. The common council shall have power to require the board of police commissioners to detail a sufficient number of men from the police force of the city to take charge of the public pounds of said city, and to properly enforce the pound ordinances thereof, and to provide for the election of one or more pound-keepers, and to provide for the payment of such pound-keepers, either by salary or fees, or partly by both, and to make all necessary rules and regulations for the enforcement of any pound ordinance of said city.

Twenty-third. To allow dummies or steam engines to be used on the street railways of said city, by ordinance and contract with said railway companies, and to direct the kind of dummies to be used, the time and speed of running the same, and the price at which passengers shall be conveyed:† *Provided*, the fare on such railways shall not exceed five cents for each passenger within the present or future limits of said city, nor exceeding eight cents from any point within such limits to any point not more than three miles outside such limits; also, at any time, to order a total or partial discontinuance of the use of such dummies and steam engines in said city: *Provided, also*, that it shall require three-fourths of all the aldermen elected to pass any such ordinances or make any such contract: *And provided, further*, that no privilege to use or run dummies or steam engines, or other than horse motive power, shall ever be allowed upon any street or horse railway except

* For ordinance "Concealed weapons;" see *ante*, page 11.

† See section 16, this chapter.

the party or parties, company or corporations asking for such privilege shall first enter into and execute an irrevocable contract with the city of Chicago, with approved bond, in a sum not less than one hundred thousand dollars, to forever thereafter give and pay over into the city treasury, at the end of each and every month, one-fifth of each and every fare collected and received by said company, party or corporation, from persons or passengers carried or transported over said railway, and for tickets and commutation. Such monthly payments to be accompanied by a sworn statement of the president or secretary of the company, showing the actual amount received during the month by them for fares, tickets or commutations, and the books of said party, company or corporation to be thereafter, at all times, open to inspection by any duly authorized city official.

Twenty-fourth. That the common council shall have power and authority to regulate and control the slaughtering of all animals in the city, or within four miles thereof, intended for consumption or exposed for sale in the city, and to enforce, by additional ordinances, any regulation, contract or law heretofore made on the subject.

Twenty-fifth. To adjust and settle with property owners any differences arising by reason of any changes made in the dock lines, by the council, on the Chicago river or its branches, if in its discretion the same may be deemed just and proper.

Twenty-sixth. To make, publish, ordain, amend and repeal all such ordinances, by-laws and police regulations, not contrary to the constitution of this state, for the good government and order of the city and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the common council, or of any officer of said city, by this act, and enforce observance of all rules, ordinances, by-laws, police, sanitary and other regulations made in pursuance of this act, or the act to which this is an amendment, the amendments thereto, or any other act concerning said city, by punishment, fine or imprisonment in the bridewell or house of correction, or both, in the discretion of the magistrate or court before which conviction may be had: *Provided, however,* such fine shall not exceed five hundred dollars, nor the imprisonment two years.

Twenty-seventh. To prohibit the piling of lumber within the fire limits, by a vote of two-thirds of all the aldermen elected.

16. ADDITIONAL POWER AS TO USE OF HORSE RAILWAYS.] Act March 10, 1869. SEC. 1. That the twenty-third article of section one of chapter five of an act entitled "An act supplementary to an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and to revise the same," approved February 13th, 1863, and the several amendments thereto, approved March 9th, 1867, be, and hereby is, amended so as to read as follows: "To allow dummies or steam engines to be used on the street railways of said city, upon such terms and conditions as said common council may by contract with said railway companies determine."*

* Amendatory of article 23, section 15, this chapter.

CHAPTER 5.

THE TREASURY DEPARTMENT.

SECTION.

1. Officers of the department.
2. General duties of the department.
3. Appointment of comptroller—His compensation and bond.
4. Comptroller to keep account of all appropriations, expenditures and receipts.
5. Comptroller to have supervision over all receiving and disbursing officers—His general powers and duties.
6. Accounts against the city to be audited by the comptroller.
7. Warrants on the treasurer to be drawn by the comptroller and countersigned by the mayor—Doubtful claims to be submitted to decision of mayor and finance committee.
8. Receivers of city revenue to be charged with amounts received—Tax and assessment warrants to be countersigned by comptroller—Comptroller to require reports of all receiving officers.
9. Annual statement of receipts and expenditures to be made by comptroller.
10. Annual estimate of city expenses to be furnished by comptroller.
11. Monthly statement of receipts and expenditures to be made by comptroller.
12. Duties of the treasurer.
13. Warrants on the treasurer, how drawn.
14. Treasurer to keep separate accounts with each fund or appropriation.
15. Duplicate receipts to be given for money paid into treasury—Copy to be filed with the comptroller.
16. Treasurer to render monthly accounts to comptroller—Warrants and other vouchers for money paid to be delivered to comptroller.
17. Custody of city moneys—Treasurer not to use.
18. Moneys may be deposited in bank.
19. Bond to be taken from bank.
20. Treasurer's annual report.
21. Special assessment funds, how kept.
22. Bond of treasurer.
23. City collector, his duties.
24. Books and papers of—To pay over moneys daily.
25. Weekly reports—Annual statement.
26. Not to retain moneys.
27. Bond of city collector.

SECTION.

28. Liability of, as to sale for taxes once paid.
29. Finance committee to examine all reports.
30. Finance committee to decide controversies of officers.
31. Assistants and clerks in treasury department.
32. Council may prescribe other duties.
33. Moneys to be kept safe—Embezzlement—Penalties.
34. Same.
35. Oath to official accounts.
36. Same.
37. Appropriations when made—Fiscal year.
38. Expenditures of city limited—Exceptions.
39. Special exceptions as to assessments on city property.
40. Bonds for floating debt—Annual taxes to pay interest on.
41. Other bonds authorized.
42. House of correction bonds.
43. Issue of new bonds in place of maturing bonds.
44. Registered bonds—Special indorsements.
45. Register of bonds to be kept.
46. Money may be borrowed to pay interest on funded debt.
47. To provide for certain payments and borrow money.
48. May borrow money on failure of revenue.
49. To borrow from one fund in aid of any other—Exception.
50. Temporary loans, when due.
51. Prohibition as to issue of bonds.
52. Divers acts of council confirmed—Bonds to raise funds for police expenses.
53. School bonds authorized—Five to be retired annually.
54. Two million dollars water bonds authorized.
55. One million dollars sewerage bonds authorized.
56. Seven hundred thousand dollars of school bonds authorized.
57. Sewerage and water bonds—Time, etc., for which issued.
58. School bonds—Terms and conditions of.
59. One million dollars of river improvement bonds authorized.
60. No contract and no expense made unless appropriation made therefor.
61. City auditor, power to appoint, etc.

1. OFFICERS OF TREASURY DEPARTMENT.] Act February 13, 1863, chap. 5. SECTION 1. There is hereby established an executive department of the municipal government of said city, to be known as the "Treasury Department," which shall embrace the city comptroller, the city treasurer and the city collector, and all such clerks and assistants, including an auditor, as the common council may, by ordinance, see fit to prescribe and establish.

GENERAL DUTIES OF THE DEPARTMENT.] *Ibid.* SEC. 2. The said treasury department shall have control of all the fiscal concerns of the said corporation, except as herein otherwise provided, and shall prescribe the forms requiring and rendering all city accounts whatever; and all accounts rendered to or kept in the several departments of the city government shall be subject to the revision and inspection of the officers of this department.

COMPTROLLER'S BOND—OATH.] *Ibid.* SEC. 3. There shall be appointed by the mayor, with the advice and consent of the common council, a discreet and able accountant, to be styled the city comptroller, who shall be chief of said treasury department, and hold his office until removed or his successor be appointed, who shall receive such compensation for his services as may be established by law, and who shall be removable at all times at the pleasure of the mayor with the concurrence of the common council, and he shall give bonds, with securities, to the amount of not less than one hundred thousand dollars, and the amount of his bond may be increased to any sum as may be fixed by the common council; said bond to be approved by the common council, and filed in the city clerk's office, and entered on record. He shall also be sworn, the same as other officers, to the faithful discharge of the duties of his office.

TO KEEP ACCOUNT OF APPROPRIATIONS—BOOKS, ETC.] *Ibid.* SEC. 4. The comptroller shall open and keep, in a neat, methodical manner, a complete set of books, under the direction of the mayor and finance committee of the common council, wherein shall be stated, among other things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue, so far as he can ascertain the same. Said books and all papers, vouchers, contracts, bonds, receipts, and other things kept in said office, shall be subject to the examination of the mayor, the members of the common council, or any committee or committees thereof.

TO SUPERVISE OFFICERS CONNECTED WITH REVENUE—HIS GENERAL DUTIES.] *Ibid.* SEC. 5. The comptroller shall be charged with, and shall exercise, a general supervision over all the officers of the city charged, in any manner, with the receipt, collection or disbursement of the city revenues and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and, as such, shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, choses in action, belonging to said city, except such as are confided by this act to the custody of the board of public works or city clerk, and shall possess and carefully preserve all assessment and tax warrants, except warrants for the collection of rents or assessments, and the returns thereof made by any collector or receiver of taxes and assessments, and all leases of markets, wharfing privileges and other public property of said city. He shall also have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city, the payment of interest, and over all the property of the city, and the disposition thereof; over all legal or other proceedings in which the interests of the city are involved, and, with the approval of the mayor, to commence or discontinue such proceedings, and to employ additional counsel, in

special cases, where he thinks the city interests require it, and generally, in subordination to the mayor and common council, to exercise supervision over all such interests of said city as, in any manner, may concern or relate to the city finances, revenues and property.

6. COMPTROLLER TO AUDIT ALL ACCOUNTS—ADMINISTER OATHS.] *Ibid.*

SEC. 6. The comptroller shall have power to examine all accounts, claims and demands for or against the city; and no money shall be drawn from the treasury, or paid by the city, to any person, except as herein otherwise provided, unless the balance due or payable be first settled and adjusted by the said comptroller; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have and he is, hereby, clothed with full power and authority to administer an oath or oaths to the claimant or claimants, or any other person or persons whom he may think proper to examine as to any fact, matter or thing concerning the correctness of any account, claim or demand presented, and the person so sworn shall, if he swear falsely, be deemed guilty of willful and corrupt perjury, and be subject to punishment accordingly, the same as in other cases.

7. TREASURY WARRANTS—DOUBTFUL CLAIMS, HOW DECIDED.] *Ibid.*

SEC. 7. All money found to be due and payable by the comptroller to any person, shall be drawn for by said comptroller by warrant on the treasurer, which shall be countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable, and the person to whom payable; but, if said comptroller should, upon any examination of any account as aforesaid, still doubt as to its correctness, he shall submit the same to the mayor and finance committee for their decision thereon, which decision shall be binding upon the city and filed among his other vouchers in the comptroller's office; and no money shall be drawn from the treasury, except on the warrant of the comptroller drawn as aforesaid.

8. OFFICERS IN RECEIPT OF REVENUE TO REPORT—DEFAULTERS.] *Ibid.*

SEC. 8. It shall be the duty of said comptroller, as nearly as may be, to charge all officers in the receipt of revenues or moneys of the city, with the whole amount, from time to time, of such receipts; and he shall countersign all tax and assessment warrants for the collection of revenue, issued under any ordinance or law of the city by virtue of which money is receivable or to be received or paid into the city treasury, except warrants for the collection of water rents or assessments, charging the proper officer the amount collectable thereon. He shall also require of all officers in receipt of city moneys that they shall submit reports thereof with vouchers and receipts of payment therefor, into the city treasury, weekly or monthly, or as often as he shall see fit to require the same by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts when so required, as aforesaid, and pay over such moneys so received, it shall then be the duty of the said comptroller to issue a notice in writing, directed to such officer and his securities, requiring him or them within ten days to make settlement of his said accounts with the comptroller, and to pay over the balance of moneys found to be due and in his hands belonging to said city, according to the books of said comptroller; and in case of the refusal or neglect

of such officer to adjust his said accounts, or pay over said balance to the treasury as required, it shall then be the duty of the said comptroller to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office; and the mayor shall thereupon proceed forthwith to institute the necessary proceedings for the removal of such officer; and he is hereby authorized, in case of such suspension, to appoint, with the concurrence of the common council, some other person to exercise the functions of said office while such proceedings are pending.

9. COMPTROLLER'S ANNUAL STATEMENT OF FINANCES.] *Ibid.* SEC.

9. The comptroller shall make out an annual statement, for publication, in the month of April in each year, before the annual election, giving a full and detailed statement of all the receipts and expenditures during the year ending the first day of said month. The said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balances of money then remaining in the treasury, with all sums due and outstanding, the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city; which statement, when examined and approved by the finance committee, shall be published by him in the corporation newspaper.

10. ANNUAL ESTIMATES OF CITY EXPENSES.] *Ibid.* SEC. 10. The said comptroller shall, also, on or before the fifteenth day of May in each year, before the annual appropriations are made by the common council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the current fiscal year, commencing on the first day of April; he shall, in said report, class the different objects and branches of said city expenditure, giving, as nearly as may be, the amount required for each; and for this purpose he is authorized to require of all city officers and heads of departments, their statements of the condition and expense of their respective departments and offices, with any proposed improvement and the probable expense thereof, of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall, also, in such report, show the aggregate income of the preceding fiscal year from all sources; the amount of liabilities outstanding upon which interest is to be paid, and of bonds and city debts payable during the year, when due and where payable, so that the common council may fully understand the money exigencies and demands of the city for the current year.

11. MONTHLY STATEMENT.] *Ibid.* SEC. 11. In addition to the other duties of the comptroller of said city, it is hereby made his duty, on or before the tenth day of each and every month, to make out a monthly statement, giving a full and detailed statement of all the moneys received and from what sources, and on what account received, and of all moneys ordered to be paid, or drawn for by warrant by him, and on what account the same have been paid, for the month preceding that in which such statement is made; and the said comptroller shall cause the said monthly statement to be published in

the corporation newspaper of said city, before the fifteenth day of each month, and shall deliver a true copy of such statement to the said common council at their next meeting.

12. TREASURER—HIS DUTIES.] *Ibid.* SEC. 12. The city treasurer shall receive all moneys belonging to the city, and shall keep his office in some place, to be designated by the common council, appropriated to the keeping of such office, in the treasury department. He shall keep his books and accounts in such manner as the city comptroller or common council may prescribe, and such books and accounts shall be always subject to the inspection of said comptroller and the finance committee.

13. WARRANTS UPON—HOW SIGNED.] *Ibid.* SEC. 13. All warrants drawn upon the treasurer must be signed by the comptroller and countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn.

14. ACCOUNTS OF.] *Ibid.* SEC. 14. He shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto.

15. DUPLICATE RECEIPTS TO BE GIVEN.] *Ibid.* SEC. 15. He shall give every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment, upon what account paid; and he shall also file copies of such receipts with the city comptroller at the date of his monthly reports.

16. MONTHLY STATEMENT—TO RETURN WARRANTS.] *Ibid.* SEC. 16. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the comptroller, under oath, showing the state of the treasury at the date of such account, and the balance of moneys in the treasury. He shall also accompany such account with a statement of all moneys received into the treasury and on what account, together with all warrants redeemed and paid by him, which said warrants, with any and all other vouchers held by him, shall be delivered over to the comptroller and filed with his said account in the comptroller's office upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid;" and shall give a list of said warrants, stating the number and amount of each.

17. CUSTODY OF CITY MONEYS—NOT TO BE USED.] *Ibid.* SEC. 17. The treasurer may be required to keep all moneys in his hands belonging to the city, in such place or places of deposit as the common council may by ordinance provide, order, establish or direct.* Such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the mayor with the concurrence of the common council, who are hereby authorized to declare said office vacant; and the mayor, in case of said removal, shall nominate a

* First sentence of this section repealed; see *infra*, section 18; also, see *post*, chapter 6, section 36.

successor, who shall be appointed to said office, upon the confirmation of the said common council, and hold his office for the remainder of the unexpired term of such officer so removed.

18. MONEYS MAY BE DEPOSITED IN BANK.] *Act March 29, 1869.*

SEC. 1. That the first sentence of section seventeen of chapter fifth of said act, approved February 13, 1863, be and the same is hereby repealed, and the following clause adopted instead thereof, viz.: "The treasurer may be required to keep any and all moneys in his hands belonging to said city, in such bank or banks, or other place or places of general deposit, or in such place or places of deposit, in the manner and upon the conditions and upon such rate of interest, or otherwise, as the common council may, from time to time, by resolution or ordinance provide, order, establish or direct."

19. BOND TO BE TAKEN FROM BANK.] *Ibid.* SEC. 4. In case any money belonging to the city of Chicago shall, by ordinance or resolution, be ordered or directed by the common council to be deposited in any bank or banks, it shall be the duty of the common council, before any such money is so delivered to such bank or banks, to cause such bond or bonds or other security or securities to be given to the city of Chicago as the common council may approve.

20. TREASURER'S ANNUAL REPORT.] *Act February 13, 1863, chap.*

5. SEC. 18. The treasurer shall also report to the common council, annually, in the month of April, before the election, and oftener if required, a full and detailed account of all receipts and expenditures during the preceding fiscal year, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid during the year, describing such warrants, their date, amount, number, the fund from which paid, and persons to whom paid, specifying also the time of payment; and all such warrants shall be examined, at the time of making such annual report to the common council, by the finance committee, who shall examine and compare the same with the books of the comptroller, and report discrepancies, if any, to the common council.

21. SPECIAL ASSESSMENT FUNDS—HOW KEPT.] *Ibid.* SEC. 19. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made; and said money shall be used for no other purpose whatsoever.

22. BOND OF TREASURER.] *Ibid.* SEC. 20. The treasurer shall give bond with sureties to the amount of not less than two hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council; said bond to be approved by the common council and filed in the clerk's office, and entered on record. He shall also be sworn the same as other officers, to the faithful discharge of the duties of his office.

23. CITY COLLECTOR—HIS DUTIES.] *Ibid.* SEC. 21. It shall be the duty of the city collector to collect all taxes and assessments which may be levied by said city, and perform such other duties as may be herein prescribed, or ordained by the common council. He shall keep his office in

such place as may be designated and provided by the common council, appropriated to the keeping of such office, in the treasury department, and shall keep in said office, besides his collection and revenue warrants, such other books, vouchers, records and accounts as the comptroller may, by regulation of the department, direct and prescribe, which books and records, with all other papers, shall remain in and pertain to said office, and be handed over to the successor or successors of said officer, or be deposited in the office of the comptroller.

24. BOOKS AND PAPERS OF—PAY OVER MONEYS DAILY.] *Ibid.* SEC. 22. All the city collector's papers, books, warrants and vouchers, shall be examined by, and the same are hereby placed under the supervision of the comptroller, together with the finance committee; and the said collector shall, daily, on receipt of the same, pay over all moneys collected by him, of any person or persons, to the city treasurer, taking his receipt therefor, which, said collector shall immediately file in the comptroller's office.

25. WEEKLY REPORTS—ANNUAL STATEMENT.] *Ibid.* SEC. 23. The city collector shall make report, in writing, under oath, to the comptroller, weekly, or oftener if required, of the amount of all moneys collected by him, the account upon which collected, and shall file with him the vouchers or receipts of the treasurer for the amount so collected. He shall also, in the month of April in each year, before the annual election, submit to the common council and finance committee, a statement of all moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and the balance of moneys uncollected on the warrants in his hands or returned to the comptroller, and a copy of such statement shall also be filed with the comptroller.

26. NOT TO RETAIN MONEYS.] *Ibid.* SEC. 24. The city collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation to his use, beyond the time prescribed for the payment of the same to the city treasurer; and any violation of this provision shall subject him to immediate removal from office, by the mayor with the concurrence of the common council; and it is hereby declared to be the duty of the mayor, upon such removal being made, to nominate and appoint a successor, with the advice and consent of the common council.

27. BOND OF CITY COLLECTOR.] *Ibid.* SEC. 25. The collector shall give bond with sureties, to the amount of not less than one hundred thousand dollars, and the amount of his bond may be increased to such sum as may be fixed by the common council, said bond to be approved by the common council and filed in the clerk's office and entered on record. He shall also be sworn, the same as other officers, to the faithful discharge of the duties of his office.*

28. LIABILITY OF, AS TO SALE FOR TAXES ONCE PAID.] *Ibid.* SEC. 26. If the collector shall receive any money for taxes or assessments, giv-

* See *post*, chapter 11, section 2, and *post*, appendix—Act in regard to assessors and collectors; April 26, 1873.

ing a receipt therefor, for any land or parcel of land, and afterwards sell the same at any sale for taxes or assessments for the tax or assessment which has been so paid and receipted for by himself or his assistant, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for double the amount of the face of the certificate, to be demanded within three years from the date of sale and recovered in any court having jurisdiction of the amount; and the city shall in no case be liable to the holder of such certificate.

29. FINANCE COMMITTEE TO EXAMINE REPORTS.] *Ibid.* SEC. 27. The finance committee and the comptroller shall, annually, meet in the month of April, and compare all such reports and statements as are made by the comptroller, treasurer and collector, and report thereon to the common council.

30. FINANCE COMMITTEE TO DECIDE CONTROVERSIES OF OFFICERS.] *Ibid.* SEC. 28. In the adjustment of the accounts of the treasurer and collector with the comptroller, there shall be an appeal to the finance committee, whose decision in all matters of controversy arising between said officers in the treasury department shall be binding, unless the common council shall otherwise direct and provide.

31. ASSISTANTS AND CLERKS.] *Ibid.* SEC. 29. The comptroller, city treasurer and city collector, shall severally appoint such various assistants, clerks and subordinates, in their respective offices as the common council may authorize; and shall be held severally responsible for the fidelity of the persons so appointed by them. Said subordinates shall, in all cases, be sworn to the faithful discharge of their duties, as other officers.

32. COUNCIL MAY PRESCRIBE OTHER DUTIES.] *Ibid.* SEC. 30. The said comptroller, collector and treasurer, shall perform such other duties, and be subject to such other rules and regulations, as the common council may, from time to time, by ordinance, provide and establish.

33. MONEYS TO BE KEPT SAFE—EMBEZZLEMENT—PENALTIES.] *Ibid.* SEC. 31. The treasurer and city collector, and all receivers of city money, are hereby required to keep safely, without loaning or using,* all the city or public moneys collected by them, or otherwise at any time placed in their custody or disposal, till the same are paid over or directed, by the proper officer, warrant, law, or order of the corporation, to be transferred or paid out, and to make all payments and transfers promptly when thereto required by any law or order of said corporation, or under any regulation of the comptroller. And if any one of said officers, or of those connected with them in the collection, safe keeping or disbursing of said city revenues, shall convert to his or their own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of said city moneys entrusted to him or them for safe keeping, disbursement, payment, transfer, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used or

* Amended; see next section (34).

loaned, which is hereby declared a felony, and any officer or agent of said city, and all persons advising or participating in such act, or being a party thereto, shall, upon conviction before any court of competent jurisdiction in this state, be sentenced to imprisonment for a term of not less than six months nor more than ten years in the penitentiary of this state; and also be fined in a sum equal to the amount of the money embezzled.

34. EMBEZZLEMENT—PENALTY.] *Act March 29, 1869. SEC. 2.* That section thirty-one of the said chapter fifth be amended by inserting in the third line, after the words “without loaning or using,” the following words, viz.: “unless differently directed by ordinance or resolution of the common council,” and also that the same words be inserted in the fifteenth line of the same section immediately after the words “without interest.”

35. OATH TO OFFICIAL ACCOUNTS.] *Act February 13, 1863, chap. 5. SEC. 32.* All returns and accounts made, or required to be rendered under this act, by any of the officers in said treasury department, shall be verified by the oath of the person rendering it, in which said oath it shall be declared that said statement, so far as he knows or has reason to believe, is a fair, accurate and full statement of the matters to which it relates, and of all moneys in his hands, or which he or any one for him has received since his last official account was rendered; and that he has not directly or indirectly used, loaned, invested or converted to his own use, or suffered any one to* use, loan, invest, or convert to their or his use, any of the public moneys receivable or received by him, or subject to his warrant or control; but that he has acted diligently and without any collusion or fraud in the collection and disbursement of the public moneys of said city, and that he hath rendered a true and full account thereof in his said statement; which oath shall be attached to and filed with said accounts in the proper office of the comptroller or city clerk, as the case may be; and in case the said statements, or any of them, shall be false, the said person so making such statement shall be deemed guilty of willful and corrupt perjury, and shall be punished accordingly.

36. AMENDMENT OF PRECEDING SECTION.] *Act March 29, 1869. SEC. 3.* That section thirty-two of the said chapter five be, and the same is hereby, so amended that the word “unlawfully” shall be inserted before the word “use” wherever the same occurs in the said section, so that the same shall be construed to read “unlawfully use,” etc.

37. APPROPRIATIONS, WHEN MADE—FISCAL YEAR.] *Act February 13, 1863, chap. 5. SEC. 33.* All appropriations shall be based upon specific and detailed statements, made by some proper head of a department or officer of the city, and shall be made within the first quarter of the fiscal year; which fiscal year shall be held to commence on the first day of April in every year.†

38. EXPENDITURES OF CITY LIMITED—EXCEPTIONS.] *Ibid. SEC. 34.* Neither the common council, nor any department or officer of the city, shall

* Amended; see next section.

† See *ante*, section 10.

add to the city expenditures, in any one year, anything over and above the amount provided for in the annual appropriation bill of that year,* except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of said city shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however*, that nothing herein contained shall prevent the common council from ordering any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The common council may order the mayor and comptroller to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvement, the necessity for which has arisen, as is last above mentioned, for a space of time not exceeding the close of the next municipal year; which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the city, the comptroller, under the sanction of the mayor and committee of finance, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next municipal year, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.†

39. SPECIAL EXCEPTION AS TO ASSESSMENTS ON CITY PROPERTY.] *Act March 9, 1867, chap. 2.* SEC. 11. Under the provisions of section thirty-four (34) of chapter five, of the act to which this is supplementary, approved February 13, 1863, the common council is hereby authorized, in the event that any improvement shall be ordered after the making of the annual appropriation, some portion of the expense of which shall be assessed by the commissioners of the board of public works on some lot or lots of land owned by said city, to appropriate and borrow money for the payment of such assessments, as is provided for [in] cases enumerated in said section.

40. BONDS FOR FLOATING DEBT—ANNUAL TAX TO PAY INTEREST ON.] *Act February 13, 1863, chap. 5.* SEC. 35. The city comptroller is hereby authorized, under the sanction of the mayor and committee of finance, to issue and negotiate the bonds of said city, payable, principal and interest, in the city of New York, and bearing interest payable semi-annually at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1881, to an amount sufficient to satisfy and retire all the floating debt now outstanding against said city, and which has not been heretofore provided for. Said bond shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred or a thousand dollars each, as the said mayor and comptroller may deem proper; and it is hereby made the duty of the common council, at the time of levying the general tax in each year, to provide for the payment of the interest accruing on the whole funded debt of the city, which is not otherwise provided for, in addition to the amount which they are authorized to levy for other purposes.

41. OTHER BONDS AUTHORIZED.] *Ibid.* SEC. 36. In addition to the

* See *post*, section 60.

† See *infra*, section 50.

amount of bonds herein authorized to be issued, the common council may, in its discretion, provide by ordinance, for completing the issue of the bonds of said city to an amount not exceeding one hundred thousand dollars, authorized by the sixty-sixth section of the act amendatory of the city charter, approved February 18th, 1861: *Provided*, that the whole amount of the bonds heretofore issued pursuant to said authority, and of the bonds hereafter issued by virtue of this section, shall not exceed the said sum of one hundred thousand dollars. The proceeds of said bonds, when sold, may be used in paying the general expenses of said city and in payment of the expense, either in whole or in part, of such permanent improvements, chargeable to the general fund, as may be ordered by the common council before the making of the next annual appropriation.

42. HOUSE OF CORRECTION BONDS.] *Ibid.* SEC. 37. The common council may also, in its discretion, provide by ordinance for issuing and negotiating the bonds of said city, payable, principal and interest, in New York in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding one hundred thousand dollars, for the purpose of purchasing grounds, either within or without the corporate limits of said city, and erecting the necessary buildings thereon for a city bridewell or house of correction. Such bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred or one thousand dollars each, as the mayor and comptroller may deem for the best interest of said city.

43. ISSUE OF NEW IN PLACE OF MATURING BONDS.] *Ibid.* SEC. 38. Whenever any of the bonds of the city, which may have been heretofore, or may hereafter be, lawfully issued shall become due, the common council may authorize the mayor and comptroller to issue new bonds to an amount sufficient to retire and satisfy the same, running either ten or twenty years, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and payable, principal and interest, in the city of New York.

44. REGISTERED BONDS—SPECIAL INDORSEMENT.] *Act February 15, 1865.* SEC. 33. The common council may provide, by ordinance, for the substitution of registered bonds, payable to the order of the owner and assignable only by transfer on the books of the comptroller, for bonds payable to bearer, upon application and request of the owner of any of the bonds of the city; and the common council may provide that by indorsement of the comptroller on any bond payable to bearer, when presented for that purpose by the owner, such bond shall become payable only to the party named in such indorsement, his assignees or legal representatives, anything on the face of such bond to the contrary notwithstanding.*

45. REGISTER OF BONDS TO BE KEPT.] *Act February 13, 1863, chap. 5.* SEC. 39. The comptroller shall keep in his office, in a book or books kept separately for this purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, and when and to whom the same were issued; and when any of said bonds are purchased or paid

* For ordinance as to registry of bonds, see *ante*, Part I, chapter 2, "Bonds," page 5.

and canceled, said book or books shall show the same. In his annual report the comptroller shall describe particularly the bonds sold during the year, and the terms of the sale, with each and every item of the expense thereof. He shall also describe the bonds paid or purchased in order to be canceled, the person of whom purchased, and the amount paid, with each and every item of the expense thereof.

46. MONEY MAY BE BORROWED TO PAY INTEREST ON FUNDED DEBT.] *Ibid.* SEC. 40. In case there shall not be money enough in the treasury, applicable thereto, to pay any semi-annual installment of interest on the funded debt of the city, the comptroller shall present a statement, under oath, to the finance committee, of the amount of the deficiency, which shall be afterwards filed with the city clerk; and it shall then be lawful for the mayor and comptroller, under the sanction of said committee, to issue and negotiate drafts upon the treasurer, payable out of the first moneys that may come into the treasury applicable to the payment of said interest, to an amount sufficient to supply said deficiency. Said drafts shall not have more than ninety days to run; but they may be renewed, if necessary, ninety days successively, until there shall be revenue enough received into the treasury to pay the same.*

47. MAY BORROW TO PROVIDE FOR CERTAIN PAYMENTS.] *Act February 15, 1865.* SEC. 25. To provide for monthly, or any other, payments which shall have been authorized by the common council, and required to be made at any time before the collection of the taxes of any year, the comptroller may, with the sanction of the mayor and finance committee, borrow the necessary money for a time not longer than the first day of February next thereafter.*

48. MAY BORROW MONEY ON FAILURE OF REVENUE.] *Act March 9, 1867, chap. 2.* SEC. 13. If from any cause the city has heretofore, or shall hereafter, fail to collect any tax on the general tax warrant of said city, in any year, or in case the receipt of the revenues of said city shall fall short of the amounts appropriated by the common council, it shall be lawful for the said council to authorize the mayor and comptroller to borrow a sufficient amount of money to meet any such deficiency for any length of time not exceeding the close of the next municipal year, and to issue and negotiate bonds or certificates of indebtedness therefor, which said amounts shall be provided for in the annual appropriation bill of the municipal year next succeeding such loan.†

49. TO BORROW FROM ONE FUND IN AID OF ANY OTHER—EXCEPTIONS.] *Act February 13, 1863, chap. 5.* SEC. 41. In case of a deficiency in any fund to meet any demand upon it, the comptroller may, with the sanction of the mayor and finance committee, use, to meet such demand, any moneys standing to the credit of any other fund, either general or special, except the water fund, the school-tax fund and special assessment funds: *Provided,*

* See *infra*, section 50.

† In case of deficiency in school moneys, comptroller and finance committee of common council may borrow; see *post*, chapter 9, section 2; see also; chapter 18, section 24; chapter 16, section 27; also, see *post*, section 50, this chapter.

the consent of the officer or department more particularly charged with the disbursement of the fund so used, shall be first had and obtained thereto. A correct account of all moneys so transferred shall be kept by the comptroller, and said moneys shall be replaced by him, within not to exceed three months, out of the revenue subsequently received into the treasury to the credit of the fund thus supplied. No moneys shall be so used or transferred, unless adequate provision has been made which will permit their reimbursement within said period.

50. TEMPORARY LOANS WHEN DUE.] *Act April 19, 1869.* SEC. 7. The mayor and comptroller may make temporary loans to pay special assessments against city property when due, and may make all temporary loans, now provided for, falling due on the first day of June of each year.

51. PROHIBITION AS TO ISSUE OF BONDS.] *Act February 13, 1863, chap. 5.* SEC. 42. No bonds or other evidences of debt shall be issued by the city, except as in this act provided.*

52. DIVERS ACTS OF COUNCIL CONFIRMED—BONDS FOR POLICE EXPENSES.] *Act February 15, 1865.* SEC. 25. So much of the resolution passed by the common council on the 12th day of December, A. D. 1864, as authorized an increase of pay for the police force of said city, during the present municipal year, is hereby ratified and confirmed. And to provide for the increased expenditure thereby authorized, as well as to raise a perpetual fund that shall be hereafter available for the prompt payment of police expenses incurred during the first six months of every succeeding fiscal year, before the tax annually levied for that purpose shall have been received into the city treasury, the city comptroller is hereby authorized, under the sanction of the mayor and finance committee, to issue and negotiate the bonds of said city to an amount not exceeding fifty thousand dollars, payable, principal and interest, in the city of New York, and bearing interest, payable semi-annually, at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1885. All moneys expended from the fund last mentioned shall be reimbursed, annually, from the proceeds of the aforesaid tax, so that the said fund shall be perpetually preserved without diminution, to meet the yearly recurring exigency above referred to. The several other orders, ordinances and resolutions of the common council, increasing compensation and rates of payment, passed since the passage of the general appropriation ordinance for the municipal year 1864, are hereby ratified and confirmed, and any money in the city treasury not otherwise appropriated, may be applied in payment of the same. Any estimates now or hereafter to be issued by the board of public works for dredging the harbor, under a contract with Messrs. Fox and Howard, entered into July 17th, 1863, are hereby legalized. In case the unappropriated moneys in the treasury should prove to be insufficient to pay said esti-

* Two million dollars of bonds authorized for river improvement and sewerage; see *post*, chapter 16, sections 38, 39. Authority to issue three hundred thousand dollars of bonds, each year, for tunnels; see *post*, chapter 16, sections 34, 35. Sewerage bonds authorized, *post*, chapter 16, sections 15 and 16; also, *ante*, chapter 4, section 15, article 13. Authority to issue five hundred thousand dollars, school bonds, *post*, chapter 9, section 3. Authority to issue water bonds, *post*, chapter 15, sections 13 and 35; various other bonds authorized, see sections 52, *et seq.*

mates and said increased compensation and rates of payment, the city comptroller is hereby authorized, under the sanction of the mayor and finance committee, to issue and negotiate the bonds of said city to an additional amount, not exceeding thirty thousand dollars, payable, principal and interest, in the city of New York, and bearing interest, payable semi-annually, at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1885, and from the proceeds of said bonds to pay such deficiency, including any deficiency which may exist in the proceeds of the lamp tax, for the said year 1864.

53. SCHOOL BONDS AUTHORIZED—FIVE TO BE RETIRED ANNUALLY.] *Act February 15, 1865.* SEC. 31. The common council may, upon the application of the board of education, provide, by ordinance, for the issue and sale, within four years from the first day of January, 1865, of not to exceed one hundred bonds of said city, of the denomination of one thousand dollars each, payable, principal and interest, in the city of New York, and bearing interest, payable semi-annually, at a rate not exceeding seven per cent. per annum, and becoming due and payable in twenty years from date. Not more than twenty-five of said bonds shall be issued in any single year, and their proceeds shall be used for no other purpose than the construction of school-houses in said city. Said bonds shall be countersigned by the president of the board of education, and shall be known as "School construction bonds." And it shall be the duty of the comptroller to purchase and retire five of said bonds each year, so long as any of said bonds shall remain outstanding. And when they cannot be purchased at less than ten per cent. premium, he shall select five by lot, in the presence of the president of the board of education, for purchase at that price, and the interest on all bonds so selected, shall thereafter cease. All necessary provisions to give effect to the foregoing condition may be inserted in said bonds, and, as fast as said bonds shall be purchased and retired, the comptroller shall report the numbers, of the same to the board of education, and the same shall be entered upon their regular minutes.

54. WATER BONDS (\$2,000,000) AUTHORIZED.] *Act March 10, 1869.* SEC. 1. That the city of Chicago shall have, and the power is hereby given it, to borrow, from time to time, as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding two millions of dollars for the purpose of paying any debt or debts contracted by said city on account of the Chicago water works, and to increase and extend the supply of water in said city.

55. SEWERAGE BONDS (\$1,000,000) AUTHORIZED.] *Ibid.* SEC. 2. Like power and authority is hereby given and granted to said city to borrow, from time to time, as the board of public works and the common council shall deem expedient, a sum of money not exceeding one million of dollars for the purpose of paying any debt or debts contracted by said city on account of the sewerage works thereof, and to increase the sewerage works of said city.

56. SCHOOL BONDS (\$700,000) AUTHORIZED.] *Ibid.* SEC. 3. Power and authority are also hereby given and granted to said city to borrow, from

time to time, as the board of education and the common council of said city shall deem expedient, a sum of money not exceeding seven hundred thousand dollars, for the purpose of buying and leasing grounds for school houses, and for the erection of and furnishing of school-houses in said city.

57. SEWERAGE AND WATER BONDS, TIME, ETC., FOR WHICH ISSUED.] *Ibid.* SEC. 4. The board of public works of said city, by and with the approval of the common council, shall have power to issue bonds, for the water and sewerage works of said city, to the extent of the several sums above mentioned and for the aforementioned purposes, respectively, and for the same time and upon the same terms and conditions as now required by law in such cases.

58. SCHOOL BONDS—TERMS AND CONDITIONS OF.] *Ibid.* SEC. 5. The common council shall have power, and is hereby authorized to provide, by ordinance, for the issuing of bonds for the purchasing and leasing of grounds or lands for school-houses, and the erection of and furnishing of school-houses, upon the same terms and conditions as now required by law, to an amount not exceeding seven hundred thousand dollars, as is provided in section three of this act.

59. RIVER IMPROVEMENT BONDS (\$1,000,000) AUTHORIZED.] *Ibid.* SEC. 6. For the purpose of carrying out the improvement contemplated by the eleventh, twelfth, fourteenth and eighteenth sections of an act approved February 15th, 1865, and entitled "An act to amend an act entitled an act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same," approved February 13, 1863, and also sections five, six, seven and eight of chapter sixteen of the last named act, the said city of Chicago shall have power to borrow, from time to time, as the board of public works and the common council shall deem expedient, an additional sum of money, not exceeding one million of dollars, upon the credit of said city of Chicago, and to issue bonds therefor, in the manner and upon the terms and conditions authorized by section sixteen of chapter sixteen of said act of February 13, 1863.*

60. NO CONTRACT OR EXPENSE MADE NOT PROVIDED FOR BY APPROPRIATION.] *Act February 13, 1863, chap. 5.* SEC. 43. No contracts shall be hereafter made by the common council, or any committee or member thereof, and no expense shall be incurred by any of the officers or departments of said city government, whether the object of expenditures shall have been ordered by the common council or not, unless an appropriation shall have been previously made concerning such expense.† And no member of the common council, head of a department, clerk, city officer, assistant or employe in any department of said city, shall be directly or indirectly interested in any contract, work or business, or the sale of any article, the expense, price or consideration of which is paid from the city treasury, under the penalty of his immediate removal from office.

61. CITY AUDITOR—POWER TO APPOINT.] *Ibid.* SEC. 44. The common council may hereafter, in their discretion, provide for the appointment

* See *post.* chapter 16.

† See *ante*, sections 10, 37, 38.

of a city auditor,* to hold his office for two years and until the appointment and qualification of his successor, whose duty it shall be to examine, personally, and certify to the correctness or incorrectness of all the accounts rendered for any money which may be collected or disbursed by any of the departments or officers of said city. The said common council may, by ordinance, prescribe his qualifications and more particularly define his duties; and he shall be removable from office, at any time, by the mayor with the concurrence of the common council.

CHAPTER 6.

THE BOARD OF PUBLIC WORKS.

SECTION.

1. Board of public works, how constituted.
2. Salary of commissioners—Bond.
3. President and treasurer—By-laws.
4. Secretary of the board—City engineer.
5. Duties of city engineer.
6. Power to license land surveyors.
7. Who shall have the same powers as county surveyors.
8. Plats of subdivisions to be approved by the board.
9. Board authorized to employ superintendents, surveyors and other subordinates.
10. Office and other expenses, how paid.
11. A majority of the board necessary for a quorum—Record of proceedings—Annual report—Power to administer oaths.
12. General duties of the board.
13. Control over streets and alleys and public grounds.
14. Permits for erection of wooden buildings within fire limits—Fees for permits.
15. Drainage into river or canal unlawful without permit.
16. Board to act as commissioners to make special assessments.
17. Board to advertise for proposals for all work to be done by city—Bidders to furnish bonds.
18. Contracts to be let to lowest reliable bidder.
19. Reservations to be inserted in all contracts—Estimates to be issued to contractors—Liability of city to contractors.
20. Board authorized in certain cases to employ workmen to perform or complete any public work.

SECTION.

21. Materials, how purchased.
22. Advertising for bids may be dispensed with in certain cases.
23. When workmen may be employed by board on public work.
24. When river and harbor work may be done without contract.
25. Permit to occupy streets.
26. Attachments against non-resident owners—When may be had.
27. Contracts to contain clause as to barriers and lights.
28. Bond of indemnity from contractors.
29. Bonds and contracts to be made in the name of the city.
30. Commissioners forbidden to be interested in contracts.
31. Board to have exclusive charge of water and sewerage works.
32. Former contracts concerning water and sewerage works to be completed by the board—Special provision relating to new contracts.
33. Annual estimate to be furnished, by the board, of sums required for repairs and improvements—Moneys raised for said board, how disbursed.
34. Countersigning of warrants no longer required.
35. Oaths of office—Special requirements.
36. Members prohibited from deriving any profit from deposit of public moneys—Custody of city funds—Penalty for embezzlement.
37. Accounts to be kept of receipts and expenditures.

1. How CONSTITUTED.] *Act February 13, 1863, chap. 6.* SECTION 1. There is hereby established an executive department of the municipal government of said city, to be known as the "Board of Public Works," to con-

* As to appointment and removal of auditor, see *ante*, chapter 2, section 21; chapter 3, section 2.

sist of the mayor,* who shall be a member of the board ex-officio, and three commissioners, to be chosen in the manner hereinbefore prescribed.

2. COMMISSIONER'S SALARY—BOND.] *Ibid.* SEC. 2. Said commissioners shall each receive an annual salary of twenty-five hundred dollars,† and shall, each, before entering upon the discharge of his duties, give bond to the city in the sum of one hundred thousand dollars, with sureties to the satisfaction of the common council, which bond shall be conditioned for the faithful discharge of his duties as such commissioner, and that he will well and truly pay over any and all moneys, and surrender any and all property, books and papers which may come into his hands as such commissioner, on the expiration of his term of office, or when required to do so by the common council.

3. PRESIDENT AND TREASURER—BY-LAWS.] *Ibid.* SEC. 3. Said board shall elect, from their number, a president and a treasurer, who shall hold their offices for the term of one year and until their successors are elected and qualified, and they shall establish by-laws for the regulation and conduct of their officers and employes.

4. SECRETARY OF BOARD AND CITY ENGINEER.] *Ibid.* SEC. 4. Said board shall appoint a secretary, and some competent and scientific person as civil engineer to said board who shall be styled the city engineer. The officers so appointed shall be removable, at any time, at the pleasure of the board of public works.‡

5. DUTIES AND POWERS OF ENGINEER.] *Ibid.* SEC. 5. It shall be the duty of the city engineer to perform all the civil engineering required by the board of public works in the prosecution of all public improvements committed to their charge, and to do such other surveying as may be directed by the board or by the common council. He shall receive for his services such annual salary as the common council shall direct and shall devote his whole time to the duties of his office. He shall possess the same powers in making surveys and plats, within the city, as is given by law to county surveyors, and the like effect and validity shall be given to his acts, and to all plats and surveys made by such engineer, as are or may be given by law to the acts, plats and surveys of county surveyors.

6. LAND SURVEYORS—OATH—LICENSE.] *Ibid.* SEC. 6. The said board of public works shall have power, upon application being made to them by any citizen, of whose character and qualifications satisfactory evidence shall be produced, to give such applicant a license, under the corporate seal, to act for two years as a land surveyor in said city, and for each license so granted said board shall require a fee of ten dollars to be paid into the city treasury. Surveyors so licensed shall take the same oath required by law to be taken by the county surveyor, and shall give bond to the city of Chicago, with two sufficient sureties, to be approved by said board, in the penal sum of twenty-five hundred dollars, conditioned for the faithful per-

* Mayor no longer a member of board of public works, *ante*, chapter 2, section 12. Two members added for special purposes, *post*, chapter 16, section 41.

† Salary not to be less than four thousand dollars, *ante*, chapter 3, section 32; also *ante*, chapter 2, section 35.

‡ See *ante*, chapter 3, section 3.

formance of the duties of a land surveyor and the payment of all damages that may be sustained, by any individual for whom such services may be rendered, in consequence of the carelessness, misconduct or incompetency of such surveyor. Said bond shall be filed in the office of said board, and suits may be brought and recovery had thereon in the name of said city, by any party who may have sustained damages as above mentioned; but said city shall in no case be held liable for the costs of such action, nor for any delinquency, fault or misconduct of such surveyor. The license to be granted as above provided, with a certificate of the aforesaid oath subjoined thereto, shall be recorded in the office of the recorder of Cook county; and then, and not before, the person so licensed shall have full power and authority, for the term of two years from the date of such license, to make surveys within the city limits, and the like effect and validity shall be given to his acts, and to all plats and surveys made by him, as are or may be given by law to the acts, plats and surveys of county surveyors: *Provided*, that the surveyors so licensed shall be governed by such laws of the state of Illinois, and such ordinances of the city of Chicago, prescribing the mode of surveying, as are now or may hereafter be in force: *And provided, further*, that the said board of public works shall have power to revoke any license, granted under the provisions of this section, upon satisfactory evidence being presented to them of the incompetency or official misconduct of the person so licensed.

7. SAME POWER AS COUNTY SURVEYOR.] *Act March 9, 1867, chap. 6.*

SEC. 8. All land surveyors, licensed by the board of public works, in pursuance of section six of chapter six of the revised charter, approved February 13, 1863, shall have the same powers to make surveys within the county of Cook as they may have within the city of Chicago, and like effect and validity shall be given to their acts, plats and surveys as are or may be given to those of the county surveyor.

8. SURVEYORS' PLAT TO BE APPROVED BY BOARD.] *Act February 13, 1863, chap. 6.* SEC. 7. In all cases where lands in said city are hereafter subdivided and laid out into blocks or lots, sub-lots, streets and alleys, or new streets or public grounds are donated or granted to the public by any proprietor, in order to secure a uniform plan in the laying out of such streets and alleys, the map or plat thereof shall be submitted to the board of public works for their approval. If they approve the same, they shall certify upon it their approval; and no such map or plat shall be entitled to record or have any validity until so approved by said board.

9. SUPERINTENDENTS, CLERKS, ETC., OF BOARD.] *Ibid.* SEC. 8. The board of public works is authorized to employ, from time to time, such superintendents, surveyors, clerks, assistants and workmen, in the discharge of their duties, as they may deem necessary, subject, however, to such regulations respecting the number of agents regularly or permanently employed, and their compensation and duties, as the common council may prescribe by ordinance.

10. SALARIES AND OFFICE EXPENSES—HOW PAID.] *Ibid.* SEC. 9. The office expenses, and the expenses for clerks, engineers and assistants,

and the salaries of said commissioners of the board of public works and their officers, shall be a charge, and shall be paid, share and share alike, out of the funds pertaining to the general fund of said city, and the funds pertaining to the water and sewerage works of said city; each of said funds to bear one-third of said expense.

11. QUORUM—RECORD—CONTRACTS, ETC.—ANNUAL REPORT.] *Ibid.* SEC. 10. A majority of said board shall constitute a quorum to do business; they shall keep a record of all their acts and doings, and shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles, and the papers of the board; and shall report their acts and doings in detail to the common council, on or before the tenth day of April in each year, and oftener when required so to do by the common council. Each of said commissioners shall have power to administer any oath authorized to be taken by the laws of this state.

12. SPECIAL CHARGE OF STREETS—PUBLIC BUILDINGS, ETC.] *Ibid.* SEC. 11. It shall be the duty of said board to take the special charge and superintendence, subject to such general ordinances as may be lawfully established by the common council, of all streets, alleys, lanes or highways in said city, and of all walks and cross-walks in the same, and of all bridges, docks, wharves, public places, public landings, public grounds and parks in said city, and of all markets, market-places and market-houses, engine-houses, hospitals, armories and all other public buildings in said city, belonging to the city, except school-houses, and of the erection of all public buildings; of all lamps and lights for the lighting of the streets, alleys, lanes, highways, bridges, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights; of all works for the widening, deepening or dredging of the Chicago river, or either of its branches; of all sewers and the works pertaining thereto; of the water works of said city; of all public improvements hereafter to be commenced by said city; and they shall perform all the duties by this act prescribed, and such other duties as the common council may prescribe by ordinance.

13. PERMITS FOR MOVING HOUSES—GAS AND WATER PIPES IN STREETS, ETC.] *Ibid.* SEC. 12. The said board shall have the exclusive privilege to grant permits, according to the ordinances of the city, for the moving of houses through the streets of the city and the raising of buildings and sidewalks, and to regulate the building or placing of vaults under the streets, alleys and sidewalks, and require such compensation for the privilege as they shall deem reasonable and just, subject to the approval of the common council; also to regulate all open spaces for basement stories, and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys, or on the public grounds, without the written permit of said board.* Said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city, for the laying down of gas or water pipes and sewers and determine the loca-

* See *post*, section 25.

tion thereof, and to cause the prompt repair of the streets, alleys, highways and public places whenever the same may be taken up or altered; and they are hereby authorized and empowered to charge and collect, by suit or otherwise, in the name of the city of Chicago, the expense of such repairs to and from the person or persons by whom such street, alley, highway or public ground may have been taken up or altered.

14. PERMITS TO ERECT WOODEN BUILDINGS IN FIRE LIMITS.] *Ibid.*
 SEC. 13. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, subject to such general regulations as the common council may by ordinance prescribe; and for all permits of every kind which said board is authorized to grant, it may make such reasonable charge as it may deem proper, or as the common council may, by ordinance, direct.*

15. PERMITS TO DRAIN INTO RIVER OR CANAL.] *Act February 15, 1865.*
 SEC. 19. And it shall not be lawful for any person to drain, from any point within the limits of Chicago, into the Chicago river or either of its branches, or into any canal or canals constructed under the authority of this act, without first obtaining a permit for such drainage from the board of public works, and the said board are hereby authorized to grant such permits, and to exact license fees for the same, proportioned to the amount and kind of drainage.

16. COMMISSIONERS TO MAKE SPECIAL ASSESSMENTS.] *Act February 13, 1863, chap. 6.*
 SEC. 14. The commissioners of the board of public works, with the exception of the mayor,† shall in all cases, except as in this act otherwise provided, act as commissioners to make special assessments, whenever the same may be ordered; for the making of which assessments they shall receive no fees.

17. PROPOSALS FOR PUBLIC WORKS—BIDS—PROCEEDINGS ON.] *Ibid.*
 SEC. 15. Whenever any public improvement shall be ordered by the common council of said city, and the assessment for the same (where the same is to be paid for by special assessment) shall have been confirmed, and one-half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work; plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first placed on file in the office of said board; which said plan, profile and specifications shall at all times be open for public inspection; which advertisement shall be continued for at least ten days in the corporation newspaper, and shall state the work to be done.‡ The bids for the doing of such work shall be sealed bids directed to said board, and shall be accompanied with a bond to the city in the sum of two hundred dollars, signed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid and according to the plans and specifications, in case the contract shall be awarded to him;

* For ordinance see *ante*, page 17.

† Exception of the mayor superseded; *ante*, chapter 2, section 13.

‡ Improvements may be made, in some cases, before assessment, and work may be done by the board, in some cases, without contract; *post*, chapter 7, sections 31, 53. See also sections 20, 22, 23 and 24, this chapter.

and in case of default, on his part, to execute a contract and perform the work, said bond may be sued and judgment recovered thereon by the city for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened at the hour and place mentioned in said notice. When the expense of any work or public improvement shall exceed the sum of five hundred dollars, and the same is to be paid out of the general fund, or the water or sewerage fund of said city, the doing of such work shall be let, by contract, in the same manner as is provided in cases where the expense of the same is to be paid for by special assessment.

18. CONTRACT TO LOWEST RESPONSIBLE BIDDER.] *Ibid.* SEC. 16. All contracts shall be awarded by said board to the lowest reliable and responsible bidder or bidders† who shall have complied with the above requisition, and who will sufficiently guarantee, to the satisfaction of said board, the performance of said work under the superintendence and to the satisfaction of said board : *Provided*, that the contract price does not exceed the estimate, or such other sum as shall be satisfactory to said board; copies of which contracts shall be filed in the office of the comptroller of said city.

19. RESERVATIONS IN CONTRACTS—ESTIMATES ON—CONTRACTOR'S LIABILITY.] *Ibid.* SEC. 17. The board of public works shall reserve the right, in their said contracts, to finally decide all questions arising as to the proper performance of said work ; and, in case of improper construction, to suspend said work, at any time, and re-let the same ; or to order the entire re-construction of said work, if improperly done ; or re-let the same to some more capable and faithful contractor or contractors, with power hereby given to said board to adjust the difference of damages or price (if any there be) which the contractor or contractors failing to properly construct such work, in such cases of default, should, in their opinion, pay to the city, according to the just and reasonable interpretation of such contract ; which difference or balance shall be recoverable at law, in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. In all cases where the contractor or contractors shall proceed to properly perform and complete their said contracts, the said board may, in their discretion, from time to time, as the work progresses, grant to said contractor or contractors an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle the holder or holders to receive the amount that may be due thereon when the money applicable to the payment of such work shall have been collected, and the conditions annexed to said estimate, if any, shall have been satisfied. Any persons taking any contracts with the city, and who agree to be paid from special assessments, shall have no claim or lien upon the city, in any event, except from the collections of the special assessments made for the work contracted for ; and no work, to be paid for by a special assessment, shall be let except to a contractor or contractors who will so agree.

20. POWER OF BOARD ON SUSPENSION OF WORK BY CONTRACTOR.] *Ibid.* SEC. 18. In case the prosecution of any public work should be sus-

* As to bids, see Part I, chapter 6, page 10, "City contracts." As to bond, *post*, section 23.

pendent in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons to be entrusted with its performance, the board of public works may, with the written approval of the comptroller, where the urgency of the case and the interests of the city require, employ workmen to perform or complete any improvement ordered by the common council: *Provided*, that the cost and expense thereof, shall in no case exceed the amount assessed or sum appropriated for completing the same.

21. MATERIALS HOW PURCHASED.] *Ibid.* SEC. 19. All supplies of materials or necessities, of any kind, exceeding in amount the sum of five hundred dollars, shall be purchased by said board of public works, when practicable, by contract with the lowest responsible bidder, as is provided for the making of contracts for the doing of the work.

22. WHEN CONTRACT MAY BE LET WITHOUT PUBLISHED NOTICE.] *Ibid.* SEC. 20. Whenever the said board of public works shall deem it necessary for the interests of the city, and to protect the same from great loss and damage, they shall report to the common council such necessity and the reason for the same, asking from the council the power to enter into a contract (specifying such contract) without giving the notice in this act required to be given before letting a contract; and the common council, on being satisfied of such necessity, may, by resolution, grant such power: *Provided*, three-fourths of all the aldermen elected shall vote in favor of such resolution.

23. WHEN WORKMEN MAY BE EMPLOYED BY BOARD.] *Act March 9, 1867, chap. 2.* SEC. 4. In case the prosecution of any public work should be suspended in consequence of the default of any contractor, or in case the bids for doing any such work should be deemed excessive, or the persons making proposals not responsible or proper persons, the board of public works may, if the common council shall, by resolution, by a three-fourths vote of all the members elected, authorize them to do so, employ workmen and procure the necessary tools and machinery and materials to perform or complete any improvement ordered by the council, provided the expense thereof shall not exceed five thousand dollars.

24. WHEN RIVER AND HARBOR WORK MAY BE DONE WITHOUT CONTRACT.] *Act February 15, 1865.* SEC. 10. Whenever, in the prosecution of any river or harbor improvement by said city, the board of public works shall be of opinion that the proposed work can be better or more cheaply done by the board itself, without the intervention of a contractor, they shall report their said opinion to the common council and the reason for the same, and the common council may, thereupon, by resolution, authorize said board to procure the necessary machinery and material, and to employ workmen to make the said improvement, without letting the work by contract: *Provided*, three-fourths of all the aldermen elected shall vote in favor of such resolution.

25. PERMIT TO OCCUPY STREETS FOR BUILDING PURPOSES—BOND TO BE TAKEN.] *Act March 9, 1867, chap. 6.* SEC. 1. Whenever any per-

mit shall be issued by the board of public works, granting to any person or corporation the use or occupancy of any street, alley or highway, or part thereof, for building purposes, for the depositing therein of material, or other proper purpose, said board shall take from such person or corporation a bond, in an adequate amount, with two good and sufficient sureties, conditioned that such person or corporation shall be liable for any and all damages occasioned by such use or occupation, or resulting therefrom; and in every case of recovery and judgment against the city, in any wise growing out of permitting or suffering such use or occupation, or which resulted therefrom, where due notice of the pendency of such suit has been given, such judgment shall be conclusive, not only as to the damages recovered but as to the liability of the party or corporation and sureties.

26. ATTACHMENT VS. NON-RESIDENT PROPERTY OWNERS FOR DAMAGES—PROCEEDINGS.] *Ibid.* SEC. 2. Whenever, in any case, injury shall be sustained by any individual, in consequence of any defect in or obstruction upon any sidewalk along the premises of a non-resident owner, whose duty it is hereby declared to be to keep the same, at all times, in a good and thorough state of repair, and a suit for damages be commenced against the city, the city of Chicago may attach such premises and hold the same to abide the judgment in the case, and in case of a judgment being had therefor against the city, the city may proceed, under such attachment, against said premises in the same manner as provided by law for creditors against non-resident debtors, and the judgment against the city shall be prima facie evidence in such suit or proceeding: *Provided, however,* that such non-resident owner may, by filing a bond as in other cases of attachment, obtain a release of such premises from such attachment, and in case of such owner desiring a release of such premises, before the determination of such suit against the city, he may do so upon giving and executing his bond, with security to be approved by the mayor, for the amount of damage claimed, conditioned to hold harmless the city against whatever judgment may be rendered in the case.

27. BARRIERS AND LIGHTS TO PREVENT ACCIDENTS—CLAUSE IN CONTRACTS.] *Ibid.* SEC. 3. Whenever any board or officer of the city shall let any work or improvement which shall require the digging up, use or occupancy of any street, alley, highway, or public grounds of said city, there shall be inserted in said contracts substantial covenants requiring such contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident in consequence of such digging up, use or occupancy of said street, alley, highway or public grounds, for which the city might be liable, and also such other covenants and conditions as experience has or may prove necessary to save the city harmless from damages. And also to provide, in such contracts, that the party contracting with the city shall be liable for all damages occasioned by the digging up, use or occupancy of the street, alley, highway, or public grounds, or which may result therefrom, or which may result from the carelessness of such contractor, his agents, employes, or workmen.

28. BOND OF INDEMNITY FROM CONTRACTORS.] *Ibid.* SEC. 4. Whenever any work or improvement is let by contract to any person or persons,

firm or corporation, the board or officers of the city letting the same shall, in all cases, take a bond from such person, persons, or firm or corporation, with good and sufficient sureties, in such amount as shall not only be adequate to insure the performance of the work in the time and manner required in such contract, but also to save and indemnify, and keep harmless the said city against all liabilities, judgments, costs and expenses which may in anywise come against said city in consequence of the granting of such contract, or which may in anywise result from the carelessness or neglect of said person, firm or corporation, or his or its agents, employes or workmen, in any respect whatever; and in every such case where judgment is recovered against the city by reason of the carelessness or negligence of such person, firm or corporation so contracting, or his, their or its agents, employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, firm or corporation, and his, or their, or its sureties on such bond, not only as to the amount of damages, but as to their liability.

29. CONTRACTS TO BE IN NAME OF CITY.] *Act February 13, 1863, chap. 6.* SEC. 21. All contracts entered into by said board of public works, and all bonds taken by them, shall be entered into in the name of, and be made to, the city of Chicago.

30. COMMISSIONERS NOT TO BE INTERESTED IN CONTRACTS.] *Ibid.* SEC. 22. No member of the board of public works, nor officer or clerk in their employ, shall be interested, directly or indirectly, in any contract made and entered into by said board of public works, for any work or for any materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void and of no binding effect whatever; and any member or officer of said board interested in any contract shall thereby forfeit his office, and be removed therefrom on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor, and of every officer of said city, to report to the common council any such delinquency when discovered.

31. BOARD HAVE EXCLUSIVE CHARGE OF WATER AND SEWERAGE.] *Ibid.* SEC. 23. The board of public works shall have the exclusive charge and superintendence of the sewerage and water works of said city, and shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses; and they shall report to the city treasurer once in each week all moneys so received by them, and at the same time pay over to said city treasurer all such moneys, with a statement of the same, to which account the same belong, and shall receive his receipt for all moneys so paid over.

32. WATER AND SEWERAGE CONTRACTS.] *Ibid.* SEC. 24. All bonds, contracts, agreements or obligations, of what kind or nature soever, heretofore executed by the board of sewerage commissioners, or water commissioners, shall be carried out and completed by said board of public works. All contracts entered into by said board on account of the sewerage or water works of said city, shall specify that they are for such works, and are to be paid out of the funds pertaining to such works.

33. REPAIRS AND IMPROVEMENTS—ANNUAL ESTIMATE OF—HOW RAISED.] *Ibid.* SEC. 25. The board of public works shall, on or before the first day of May in each year, submit a statement to the comptroller, to be by him laid before the common council with his annual estimate, of the repairs and improvements to be paid for out of the general fund of the city, and necessary to be undertaken by said city during the current year, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated, which report shall be in detail; and such estimate having been revised by the common council, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy to be laid on said city. All moneys hereafter to be paid to any person or persons out of the moneys so raised and appropriated, or out of the sewerage or water funds, or any special assessment fund, shall be certified by the president of the board of public works, or, in his absence, by the acting president of said board, to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the particular fund to which the same is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president,* or, in his absence, by the acting president of the board of public works and the mayor.

34. COUNTERSIGNING WARRANTS NOT REQUIRED.] *Act March 9, 1867, chap. 6.* SEC. 9. So much of section twenty-five of chapter six, of section twenty-two of chapter ten, of section fourteen of chapter thirteen, of section thirteen of chapter fifteen of the revised charter of said city, approved February 13, 1863, and so much of section thirty-three of an act approved February 16, 1865, entitled "An act to amend an act entitled 'An act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act and revise the same,' approved February 13, 1863," as requires the warrants therein described to be countersigned by the president or acting president of the board of public works, the president or acting president of the board of police, the president of the board of education, the president or vice-president of the board of guardians of the reform school, and by the president of the board of police and the mayor, be, and the same is hereby, repealed.

35. COMMISSIONERS—QUALIFICATIONS OF—OATH OF.] *Act February 13, 1863, chap. 7.* SEC. 26. The commissioners of the board of public works shall be sworn, the same as other officers, to the faithful discharge of the duties of their office; and no person hereafter elected shall act as a commissioner of said board until, in addition to the oath required of all city officers, he shall swear that he is then, and for the year immediately preceding has been, a resident freeholder in the division of the city from which he was elected, which oath shall be filed in the clerk's office.

36. NO OFFICER TO RECEIVE INTEREST ON CITY FUNDS—PENALTY.] *Ibid.* SEC. 27. No member or officer of said board, or other officer of said city, and no member of the common council, shall either directly or indirectly receive any interest or profit whatever on account of the deposit of any of

* Countersigning no longer required; *infra*, section 34.

the funds belonging to the city; nor shall any member or officer of said board, or officer of said city, or any member of the common council, either directly or indirectly, make use of or borrow any of said funds for his own private benefit or advantage. The funds of said city in the hands of said board, shall, until deposited with the treasurer of said city, as hereinbefore provided, be kept in such place or places of deposit, as shall, by an order of said board, be directed, which order shall be entered upon the records of the said board. If either of the members or any of the officers of said board shall, either directly or indirectly, receive or appropriate for his own use or benefit any of the funds, money or property of the said city, or shall directly or indirectly take, pledge or borrow any of the said funds or property for his own use or benefit, such member or officer of said board shall be deemed guilty of embezzlement, and shall be liable to indictment, and on conviction thereof shall be sentenced to imprisonment, for a term of not less than six months nor more than ten years, in the penitentiary of this state; and also be fined in a sum equal to the amount of the money embezzled. The members of said board shall be liable upon their bond for the loss of any or all moneys coming into the possession or control of said board.

37. BOOKS OF ACCOUNT TO BE KEPT.] *Ibid.* SEC. 28. It shall be the duty of the said board to keep books of account, showing with entire accuracy the receipts and expenditures of the board, in such manner as to enable the same to be readily understood and investigated; and also to preserve on file in their office duplicate vouchers for all their expenditures, which books and duplicates shall at all times be open to the examination of the comptroller of said city, or to the finance committee of the common council, or to any other committee appointed by the common council.

CHAPTER 7.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION.

1. Power to lay out streets—To improve them—To widen and deepen the river—To construct sidewalks and improve parks.
2. Expenses defrayed by special assessments.
3. Applications for public improvements to be made or referred to board of public works—Board to report to council.
4. Plan or profile of improvements to be furnished in certain cases—Facts to be specially reported—Three-fourths vote of council required in certain cases.
5. Assessments for condemnation of real estate.

SECTION.

6. Commissioners to be sworn—Notice of meeting—Witnesses may be examined.
7. Two or more notices may be in one advertisement.
8. Damages to be appraised—Deducting benefits.
9. What assessment roll must show—Balance between damages and benefits.
10. Value of land donated to be set off against benefits.
11. Valuation of buildings—Owner to be notified thereof—Refusal to take sum awarded—Buildings to be sold.

SECTION.

12. Each party in interest entitled to an award.
13. Damages and expenses to be assessed on real estate benefited.
14. Assessment roll to be filed—Notice of application for confirmation—Objection—Proceedings thereupon.
15. Property owners may appeal—Proceedings therein.
16. Condemnation effectual when assessment is confirmed—Payment of damages.
17. Notice to be published of readiness to pay—City may take possession on deposit of money.
18. Same.
19. When whole of lot taken, contracts to cease.
20. When part taken, to cease as to that part—To continue as to the residue.
21. Proceeding to be recorded.
22. Assessment for deepening the river.
23. Certain sections of act, 1863, repealed.
24. Assessments for improvements—Gas and water service pipes, how made.
25. Assessment upon railway companies.
26. Certain sections of act of February 13, 1863, repealed.
27. Gas and water service pipe, how laid—Assessment for.
28. Assessment for improvement of streets, etc., how made.
29. Assessment of same, upon what basis made.
30. Same.
31. Improvements may be first made and then assessment therefor.
32. Oath of commissioners—Notice of meeting.
33. Return of assessment roll—Notice—Proceedings thereupon.
34. Streets once paved may be repaved out of general fund.
35. Sidewalks, drains, gas and water service pipes, etc.—Assessment for—Suit may be brought for cost of—Damages for non-payment of the assessment.
36. Owners and occupants responsible for safe condition of sidewalk.

SECTION.

37. Proposals may be received by board of public works for construction, etc. of sidewalks to be laid during whole or part of the year.
38. Dock lines may be established—Lamp posts erected—Gas and water service pipe laid.
39. Applications therefor, how made.
40. Public sewers may be constructed—Lamp posts—Gas and water service pipes.
41. Applications therefor, how made.
42. Nuisances—Expenses for removal of, how collected.
43. Assessment may be made therefor.
44. Landlord to pay assessment when no agreement to the contrary—Remedy, when paid by tenant.
45. Guardians of infants, by whom to be appointed.
46. Writ of certiorari, when to be issued.
47. New assessment when first insufficient—Excess to be refunded.
48. On failure to collect, re-assessment may be made—Assessments a lien for five years.
49. Commissioner interested, disqualified from serving—Vacancy, how filled.
50. Expense of river improvements may be defrayed by general tax.
51. Same.
52. If courts decide improvements can not be paid by assessment, the same may be paid out of general fund.
53. What improvements to be paid for out of general fund.
54. Amendment of preceding section.
55. Construction of bridges by private enterprise.
56. Penalty for willful injury to city property.
57. Improvement of Michigan avenue.
58. Encroachment prohibited on public ground east of Michigan avenue.
59. Certain land added to Lincoln park.
60. All acts in regard to assessment in force prior to 1863 and inconsistent repealed.
61. Certain provisions of acts prior to 1867 continued in force.

1. POWER OF COUNCIL TO IMPROVE STREETS—WIDEN RIVER, ETC.]
Act February 13, 1863, chap. 7. SECTION 1. The common council shall have power, from time to time :

First. To lay out public streets, alleys, lanes and highways,* and to make wharves and slips at the ends of streets, and extend, alter, widen, contract, straighten and discontinue the same ; and to purchase and lay out public parks, squares or grounds.

Second. To cause any street, alley, lane or highway, to be filled, graded, leveled, paved, curbed, walled, graveled, macadamized or planked ; and keep the same in repair.

Third. To widen, deepen, or dredge out the Chicago river, or either of its branches, or any part or parts of the same.

Fourth. To cause cross and sidewalks, area walls, lamp posts and private drains to be constructed and laid, relaid, erected, cleansed and repaired.

Fifth. To fill, grade, improve, protect and ornament any public square, now or hereafter laid out.

2. EXPENSES OF, HOW PAID.] *Ibid.* SEC. 2. The expenses of any improvement mentioned in the foregoing section shall be defrayed, save as is

* Further provision as to vacating streets, alleys, etc. ; *ante*, chapter 4, section 13.

herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter prescribed.*

3. APPLICATIONS FOR IMPROVEMENTS—HOW ACTED UPON—PROCEEDINGS.] *Ibid.* SEC. 3. All applications or propositions for establishing the grade of streets or for a change of grade, the erection of bridges and lamp posts, the grading, re-grading, paving, re-paving, graveling and re-graveling, macadamizing, planking and re-planking of streets, alleys, highways or lanes, the construction and repair of sidewalks and private drains, the improvement of public grounds or buildings belonging to the city, except school-houses, the widening, deepening or dredging of the Chicago river, or either of its branches, the opening, straightening, widening or closing of any street, alley, lane or highway, or for any other improvement, the doing of which is within the discretion and control of the municipal government of said city, shall hereafter be first made to the board of public works; or, if first made to the common council, shall be, by them, referred to said board. Upon receiving any such application, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expense thereof, and a proper ordinance or order directing the work. If they do not approve of such application, they shall report the reasons for their disapproval, and the common council may then, in either case, order the doing of such work, or the making of such public improvement, after having first obtained, from said board, an estimate of the expense thereof. The board of public works may also in like manner recommend, whenever they think proper, any improvement of the nature specified in this section, though no application may have been made therefor; and in all cases the common council, after having obtained from said board an estimate of the expense, may make such changes in the proposed plan as may be petitioned for by any of the owners of the property to be assessed.

4. OPENING STREETS, ETC.—PLAN TO BE FURNISHED—PROCEEDINGS.] *Ibid.* SEC. 4. Whenever the board of public works shall recommend the opening, straightening, widening or extending of any street, lane, alley or highway in said city, or the widening of the Chicago river, or either of its branches, or any part or parts of the same, they shall furnish to the common council a plan or profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate, to be assessed for said improvement, can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby; and whenever in any case they shall recommend to the common council the doing of any work, or the making of any public improvement, to be paid for by a special assessment, they shall, with such recommendation, certify to the common council whether the contemplated improvement is asked for by the petition of the owners of a majority of the property to be assessed for such improvement, and if the owners of a majority of the property so to be assessed shall have failed to petition therefor, the same shall be ordered only by the votes of at least three-

* See *post*, section 53.

fourths of all the aldermen present, such vote to be entered by ayes and noes on the record of the common council. The certificate of said board of public works shall be prima facie evidence as to the number of said petitioners and of their interest in the property assessed.

5. ASSESSMENT FOR CONDEMNING REAL ESTATE AND WIDENING RIVER.] *Ibid.* SEC. 5.* Whenever any order is passed by the common council, by virtue hereof, for the making of any public improvement mentioned in the first section of this chapter, which shall require the appropriation or condemnation of any land or real estate, the commissioners of the board of public works shall forthwith proceed to assess the damages and recompense due the owners of such land respectively, and, at the same time, to determine what real estate will be benefited by such improvement, and assess the damages, together with the costs of the proceedings,† on the real estate by them deemed benefited, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel. If the proceeding be one for widening the Chicago river, or either of its branches, or any part or parts of the same, the assessment may, if so ordered by the common council, be made to include the estimated expense of excavation and completing the work, in addition to the value of the land condemned;‡ but in all other cases shall cover only the damages awarded for the real estate appropriated and the costs of the proceedings.

6. OATH OF COMMISSIONERS—NOTICE—PROCEEDINGS.] *Ibid.* SEC. 6. Before proceeding to make said assessment, the commissioners shall be sworn faithfully to execute their duties according to the best of their ability. They shall then give six days' notice, by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and shall describe the land to be condemned, as near as may be done by general description. The meeting of said commissioners, when engaged in making such assessment, shall be held in a public place in said city to be specified in said notice, and all persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel. The commissioners shall view the premises to be condemned, and receive any legal evidence that may be offered for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred by reason of the contemplated improvement; and the said commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the counsel to the corporation, or city attorney, to appear before them at such hearing, to represent the interests of the city, and may adjourn, from time to time, until said assessment is completed.

7. TWO OR MORE NOTICES MAY BE IN ONE ADVERTISEMENT.] *Act February 15, 1865.* SEC. 8. Two or more of the notices required or au-

* This and the following sections, 5 to 21 inclusive, are the charter provisions existing prior to September 2, 1872. For act of 1872 on same subject, see *post*, chapter 8.

† As to basis of assessment; *post*, sections 28, 29, 30.

‡ As to condemnation proceedings, see act of 1872; *post*, chapter 8.

thorized to be given by the board of public works, or the commissioners of said board, by publication in the corporation newspaper, in any special assessment proceedings, may be comprised in one advertisement: *Provided*, such notices are of the same general character, or for like objects: *And provided*, that, in other respects, the notice so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to and embrace all notices required to be given in the corporation newspaper by the city collector, of the delivery to him of all tax and special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon.

8. APPRAISAL OF DAMAGES AND BENEFITS.] *Act February 13, 1863, chap. 7.* SEC. 7. The commissioners, in making said assessment, shall determine and appraise, to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners, respectively, as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement.

9. WHAT ASSESSMENT MUST SHOW.] *Ibid.* SEC. 8. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case, the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners, respectively, and the difference only shall, in any case, be collectable of them, or paid to them.

10. PRIOR DONATION OF LAND MAY BE OFFSET.] *Ibid.* SEC. 9. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the commissioners, in their discretion, in making such assessment, where part of the land to be laid out into such street or alley has been theretofore donated, by any person or persons, for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons, by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset, as herein provided. And where the assessment is one for the widening of any street, which may have been theretofore, either in whole or in part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall to them seem equitable and just.

11. VALUATION OF BUILDINGS—NOTICE TO OWNER—SALE.] *Ibid.* SEC. 10. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners shall add to their estimate of damages for the land, the damages also for the building or part of building necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof

necessary to be taken, shall also be determined by the commissioners, and notice of such determination shall be given by them to the owner, when known, if a resident of the city, or left at his usual place of business or abode. If the owner is not known, or is a non-resident, notice to all persons interested shall be given by publication, for ten days, in the corporation newspaper.* Such owner may, at any time within ten days after service, or the first publication of such notice, notify to said commissioners, in writing, his election to take such building or part of building at their appraisal; and in such case the amount of such appraisal shall be deducted, by the commissioners, from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners, and the owner shall have such time for the removal of the building, after the confirmation of the assessment, as the board of public works may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election, as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the board of public works shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building, or part of building, at public auction, for cash, giving at least five days' public notice of the sale, by publication in the corporation newspaper, and cause such building to be then forthwith removed.* The proceeds of such sale shall be paid into the city treasury to the credit of the special assessment fund raised for the said improvement.

12. AWARD TO EACH INTEREST IN LAND.] *Ibid.* SEC. 11. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

13. DAMAGES, HOW ASSESSED.] *Ibid.* SEC. 12. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the improvement, as nearly as may be,† and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no legal objection to said assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement submitted to the common council by the board of public works.

14. RETURN OF ASSESSMENT ROLL—NOTICE—PROCEEDINGS UPON.] *Ibid.* SEC. 13. When completed, the commissioners shall sign and file the assessment roll in the office of the city clerk, and a duplicate thereof in the office of the board of public works. Notice shall be given by said commis-

* Several notices may be in one advertisement; *ante*, section 7.

† *Post*, sections 28, 29, 30; also *post*, chapter 8.

sioners,* by six days' publication in the corporation newspaper, of the filing of such assessment roll in the clerk's office and that at the next regular meeting of the common council, to be held after the expiration of such publication, they will apply to the common council for a confirmation of said assessment. Objections to said assessment may be heard before the common council, but all parties objecting shall file their objections, in writing, in the office of the city clerk, at least one day prior to such meeting of the council. Should no quorum be present at such meeting, the matter shall stand postponed to the next regular meeting of the council when there shall be a quorum. The council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and confirm or annul the same, and direct a new assessment to be made. Said assessment, when confirmed by the common council, shall be final and conclusive upon all parties interested therein, except as hereinafter provided; and when said assessment is confirmed and no appeal is taken, as herein provided, a warrant shall issue for the collection of the same, signed by the mayor and city clerk. If said assessment shall be annulled by the common council or set aside by the court, the commissioners of the board of public works shall proceed to make a new assessment, and return the same in like manner, and give like notice as herein required in relation to the first; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination, as are hereby given in relation to the first.

15. APPEAL FROM CONFIRMATION BY COMMON COUNCIL.] *Ibid.* SEC. 14. Any person whose property has been appropriated and who has filed objections to said assessment, as hereinbefore provided, shall have the right, at any time within ten days after the confirmation of the same by the common council, and not after that time, having first given notice of his or her intention so to do to the counsel to the corporation or city attorney, specifying in such notice the court to which the appeal is to be taken, to pray an appeal, to any court of general jurisdiction in Cook county, from the order of the common council confirming such assessment, upon filing a bond to said city, approved by the judge or judges of the court to which the appeal is taken, conditioned to save the city harmless from all damages caused by the taking of such appeal. In case of appeal, a copy of the assessment roll, as confirmed by the common council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which such appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the city of Chicago, as an "appeal from assessment." The said cause shall be then at issue, and shall have the preference in order of trial over all civil causes pending in said court. Such appeal shall be tried by the court, and on such trial the only questions to be passed upon shall be whether the common council had jurisdiction in the case, and whether the valuation of the property, specified in the objection, is a fair valuation, and the assessment, so far

* Several notices may be given in one advertisement; *ante*, section 7.

as it affects said property is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of error shall lie.

16. CONDEMNATION, WHEN COMPLETE—DAMAGES, WHEN PAID.] *Ibid.*
SEC. 15. When any such assessment shall have been confirmed by the common council, and no appeal have been taken therefrom, or, if an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The board of public works shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages, over and above all benefits, which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall, in all cases, furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If, in any case, there shall be any doubt as to who is entitled to the damages for land taken, the city may require of the claimant a bond, with good and sufficient sureties, to hold said city harmless from all loss, costs and expenses, in case any other person should claim said damages. In all cases, the title to land taken and condemned in manner aforesaid, shall be vested absolutely in the city, in fee simple.

17. POSSESSION, WHEN TAKEN.] *Ibid.* **SEC. 16.** As soon as the money is collected, and ready in the hands of the treasurer to be paid over to parties entitled to damages for property condemned, ten days notice thereof shall be given by the board of public works in the corporation newspaper;* and the city may then, and not before, enter upon, take possession of and appropriate the property condemned.

18. SAME.] *Act February 15, 1865.* **SEC. 7.** Whenever the damages awarded to the owner, for any property condemned by said city for public use, shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the city treasurer ready to be paid over to such owner, and ten days' notice thereof shall have been given in the corporation newspaper, the city may enter upon and appropriate such property to the use for which the same was condemned.

19. PREMISES UNDER LEASE OR CONTRACT.] *Act February 13, 1863, chap. 7.* **SEC. 17.** When the owner of the whole or any lot or parcel of land or other premises under lease, or other contract, shall be taken for the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

20. PART OF LEASED PREMISES TAKEN—EFFECT OF.] *Ibid.* **SEC. 18.** Where part only of any lot or parcel of land or other premises so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely

* Several notices may be in one advertisement: *ante*, section 7.

discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for the same.

21. PROCEEDINGS FOR CONDEMNATION TO BE RECORDED.] *Ibid.* SEC. 19. All proceedings taken by said board of public works, in relation to the laying out of any street, alley, lane or highway, wharf, slip, public square or ground, or the widening, contracting, straightening or discontinuing the same, and all proceedings for the widening of the Chicago river or either of its branches, shall be recorded by the said board, in a book or books, kept for that purpose, describing particularly the said improvements, and the real estate to be taken therefor.*

22. DEEPENING AND DREDGING THE RIVER.] *Ibid.* SEC. 20. Whenever any order is passed by the common council, by virtue hereof, to deepen or dredge out the Chicago river, or either of its branches, or any part or parts of the same, the commissioners of the board of public works shall forthwith proceed to assess the amount directed to be assessed, on the real estate by them deemed benefited by any such improvement, in proportion, as nearly as may be, to the benefit resulting to each separate lot or parcel; and shall briefly describe, in the assessment roll to be made by them, the real estate assessed and the amount of the assessment in each case.†

23.‡ CERTAIN SECTIONS OF ACT, FEBRUARY 13, 1863, REPEALED.] *Act February 15, 1865.* SEC. 4. Sections twenty-one, twenty-two, twenty-five, twenty-six, twenty-seven and thirty of chapter seven of the above mentioned act, § are hereby repealed, but all other provisions, in the said chapter contained, not inconsistent with the provisions of this act, shall be and remain in full force.

24. ASSESSMENT FOR IMPROVEMENTS—GAS AND WATER SERVICE PIPE, HOW MADE.] *Ibid.* SEC. 1.|| That whenever any order shall be passed by the common council of said city, pursuant to the authority conferred by chapter seven, of the act of which this is an amendment, ¶ for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, plank-ing or repairing of any street, lane, alley or highway, or for the construction, re-construction, laying or re-laying of any sidewalk or any private drain, the commissioners of the board of public works shall forthwith proceed to assess the amount directed by the common council to be assessed for that purpose, with the costs of the proceedings therein, upon the real estate by them deemed benefited by any such improvement, in proportion, as nearly as may be, to the benefit resulting thereto. The assessment in such cases

* For an entirely different manner of proceeding for condemnation of lands and assessment therefor, see act of 1872, chapter 8, *post*.

† *Post*, sections 29, 30.

‡ The following sections 23 to 43 inclusive are the charter provisions prior to September 2, 1872, for improvement of streets, laying of sidewalks and drains, gas and water service pipes and removal of nuisances by special assessment; see act of 1872, *post*, chapter 8.

§ Act referred to is act of February 13, 1863.

| Repealed, see *post*, section 26; but see *post*, section 27.

¶ Act referred to is act, February 13, 1863.

shall be made and returned, and may be confirmed and collected in the manner provided by sections twenty-three and twenty-four of chapter seven, of the act above mentioned, and the provisions of said two last named sections shall in all respects apply to the assessments hereby authorized.* The expense of constructing and relaying sidewalks and area or street walls, at the intersection of streets or alleys, or of streets and alleys, when required to be constructed by any such order of the common council, shall be included in their said assessment; but all other improvements made at such intersections, excepting lamp posts, shall be, as heretofore, chargeable upon and paid out of the general fund, or other appropriate fund, not raised by special assessment.

25. ASSESSMENT UPON RAILWAY COMPANIES.] *Ibid.* SEC. 2. Where, in any case, any portion of the costs and expense of making any improvement mentioned in the foregoing section shall, by virtue of any valid law or ordinance of the corporation, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon said railway company, and the balance only upon the real estate benefited thereby, and the city may collect the amount so assessed upon the said railway company by distress and sale of personal property, as in other cases, or by suit brought for that purpose: *Provided*, that any real estate belonging to such railway company, and deemed benefited by the said improvement, shall be assessed as in other cases.

26.† CERTAIN SECTIONS REPEALED.] *Act March 6, 1867.* SEC. 8. Sections one, three and five of the act approved February 15th, 1865, in amendment of said act, approved February 13th, 1863, are hereby repealed.

27. ASSESSMENT FOR GAS AND WATER SERVICE PIPES—HOW MADE.] *Act March 9, 1867, chap. 2.* SEC. 16. The power of assessment conferred by section one of the act amendatory of the revised charter of said city, approved February 15, 1865, is hereby extended to and made to include the laying or relaying of any gas or water service pipe to be paid for wholly or in part by special assessment and the doing of which is within the authority and discretion of the municipal government of said city, and the commissioners of the board of public works shall assess the amount directed by the common council to be assessed for any such improvement, with the costs of the proceedings therein, upon the real estate by them deemed specially benefited by such improvement in proportion, as nearly as may be, to the benefit resulting thereto.

28. ASSESSMENT FOR STREETS—UPON WHAT BASIS MADE.] *Ibid.* SEC. 14. Upon receiving an application‡ for the making of any improvement on any street, lane or alley, the said board shall proceed to investigate the same; and, if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with a statement of the expense thereof, and a proper ordinance or order directing the work, and shall in such estimate specify how much of said ex-

* For sections 23 and 24 referred to, see *post*, sections 32 and 33.

† See next section; also, for section 1 referred to see *ante* section 24.

‡ *Post*, sections 29 and 30, and *ante* section 3.

pense, in their opinion, may be properly chargeable to real estate especially benefited by such improvement, and how much thereof may be properly chargeable to, and paid out of, the general fund, or out of the proceeds of any general tax authorized to be levied by said city. Having reported on such application, and recommending that the improvement be made, or disapproving of the doing of it, as is provided for in the above mentioned act, the common council may then, in either case, order the doing of such work or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof; and shall in such order specify what amount of said estimated expense shall be assessed upon the property deemed especially benefited, and what amount shall be chargeable to and be paid in of the proceeds of the general fund or out of the proceeds of any general tax authorized to be levied by said city.

29. PROCEEDING.] *Act March 5, 1867.* SEC. 3. Upon receiving an application for the making of any improvement, the doing of which is within the discretion and control of the municipal government of said city, excepting sewers and main water pipes, the said board shall proceed to investigate the same, and, if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with a statement of the expense thereof, and a proper ordinance or order directing the work, and shall in such estimate specify how much of said expense, in their opinion, may be properly chargeable to real estate especially benefited by such improvement, and how much thereof may be properly chargeable to and paid out of the general fund, or out of the proceeds of any general tax authorized to be levied by said city. Having reported on such application, and recommending that the improvement be made, or disapproving of the doing of it, as is provided for in the above mentioned act, the common council may then, in either case, order the doing of such work, or the making of such public improvement, after having first obtained, from said board, an estimate of the expense thereof and in such order specify what amount of said estimated expense shall be assessed upon the property deemed specially benefited, and what amount shall be chargeable to and paid in of the proceeds of the general fund, or out of the proceeds of any general tax authorized to be levied by said city.

30. BASIS OF ASSESSMENT.] *Ibid.* SEC. 4. Whenever any order shall be passed by the common council of said city, pursuant to the authority conferred by chapter seven of the act of 1863, of which this is an amendment, for the filling, grading, leveling, paving, curbing, walling, graveling, macadamizing, planking or repairing of any street, lane, alley or highway, or for the construction, reconstruction, laying or relaying of any sidewalk, or any private drain, or for the making of any public improvement on account of which authority is given by said chapter seven (7) to levy a special assessment (excepting sewers and main water pipes), or whenever any such order shall be so passed, for the establishing or changing the dock-lines of Chicago river or of Chicago harbor, or for the laying of gas or water service pipes, or for the erection of lamp-posts upon any of the streets of said city, the commissioners of the board of public works shall, forthwith, proceed to assess the

amounts, directed by the common council, to be assessed for that purpose, with the costs of the proceedings therein, upon the real estate by them deemed specially benefited by any such improvement, in proportion, as nearly as may be, to the benefit resulting thereto. The assessment in such cases shall be made and returned, and may be confirmed and collected in the manner provided by chapter seven of the act above mentioned, so far as the provisions of said chapter are applicable, and excepting in cases when such order of council shall require the appropriation or condemnation of any land or real estate, according to the provisions of sections twenty-three and twenty-four of said chapter.

31. IMPROVEMENTS MAY BE FIRST MADE.] *Ibid.* SEC. 6. Upon the passage of any order referred to in the fourth section of this act, the board of public works may, in their discretion, cause said improvement to be made, and paid for out of any moneys in the treasury at their disposal, and afterwards cause the expense thereof, together with all costs, to be reimbursed by a special assessment, to be levied and collected as in other cases.

32. COMMISSIONERS, OATH OF—NOTICE OF MEETING.] *Act February 13, 1863, chap. 7.* SEC. 23. Before proceeding to make an assessment for any improvement mentioned in the three preceding sections,* said commissioners shall be sworn as in other cases, and shall give six days' notice, by publication in the corporation newspaper, of the time and place of their meeting for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for and the amount to be assessed. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the commissioners may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time.†

33. ASSESSMENT ROLL, RETURN OF—PROCEEDINGS ON.] *Ibid.* SEC. 24. When the commissioners shall have completed their assessment, they shall sign and return the same in like manner, and give like notice of the application to the common council for confirmation, as herein required in relation to assessments for the condemnation of real estate; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to such assessment, as are herein given in relation to assessments for the condemnation of real estate. When confirmed by the common council, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases; and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled, or set aside, the said commissioners shall proceed to make a new assessment, and shall return the same in like manner, and give like notices, as herein required in relation to the first.‡

34. REPAVING, ETC.—HOW MAY BE PAID FOR.] *Act March 9, 1863, chap. 2.* SEC. 7. After a street has been filled, curbed, macadamized, or

* See sections 20, 21 and 22, chapter 7, act February 13, 1863. Section 20 is section 23 of this chapter; section 30 hereof in place of section 21 and section 25 hereof in place of section 23 of said chapter 7.

† Several notices may be in one advertisement; *ante*, section 7. Section 20 of act of 1863 is section 23 of this chapter. Sections 21 and 22 of same act repealed; *ante*, section 23.

‡ Several notices may be in one advertisement; *ante*, section 7.

ed, or filled, curbed and graveled, it shall be lawful for the common council to provide for the payment of any subsequent improvement, in whole or in part, out of the general fund.

§5. SIDEWALKS AND DRAINS—GAS AND WATER SERVICE PIPES, ETC.—ASSESSMENT FOR—SUIT FOR COST OF—DAMAGES FOR NON-PAYMENT OF ASSESSMENT.] *Act March 9, 1867, chap. 2. SEC. 8.** When in any case it shall be deemed necessary by the board of public works to cause any sidewalk to be raised, lowered, repaired or relaid, or any private drain to be raised, lowered, repaired or cleaned, it shall be lawful for said board to require the owner of the premises in front of, adjacent to, or upon which said improvement is to be made, to make the same forthwith, or within such reasonable time as the board of public works may prescribe, upon written notice to that effect; or the board of public works may cause the work to be done and paid out of any moneys in the treasury at their disposal. Said board shall then report to the common council the amount of said expenditure, giving a description of the lots or premises liable therefor, and the amount for which each is chargeable. The common council shall thereupon assess the said expenses, by an order, ordinance or resolution, upon such lots respectively, and the same may be collected by warrant and sale of the premises in other cases. In like manner when the common council shall have ordered the construction or reconstruction, or repair of any sidewalk, private drain, or gas or water service pipe, it shall be lawful for said board to cause the work to be done, and paid for as above, or by an agreement with a contractor, payment to be made out of the special assessment to be levied for the same, and shall then report to the common council the cost and expense of the work, with all proceedings relative thereto, giving a description of the lots and premises to which said expense is chargeable, and the common council shall thereupon assess the said expenses upon such lots respectively, and the same may be collected by warrant and sale of the premises, as provided above. A suit may also be maintained against the owner of such premises for the recovery of such expenses, as for money paid and laid out for his use and at his request. The common council may also, by ordinance, impose heavy penalties upon the owners aforesaid, for any neglect or refusal to comply with the aforesaid requirements, not exceeding twenty dollars for each owner's neglect, as to the said common council shall seem most proper. All assessments authorized under this section shall be collected by said city, with penalties at the rate of one per cent. a month thereon, for each and every month that any such assessment shall remain unpaid, thirty days after the date when public notice shall have been given by the city collector that the warrant for such assessment has been received by him for collection.†

§6. OWNERS AND OCCUPANTS RESPONSIBLE FOR SAFE CONDITION OF SIDEWALK.] *Act February 13, 1863, chap. 7. SEC. 29.* Nothing in the preceding sections contained shall be so construed as to relieve the owners or occupants of real estate from the duty of keeping the sidewalk in front of or adjacent to their respective premises, at all times, in a safe condition, and

Enacted to take the place of section 28, chapter 7, of act February 13, 1863.
Revised, section 27.

in a good and thorough state of repair ; but such duty is hereby expressly enjoined and imposed upon all such owners and occupants ; and if at any time any injury shall be sustained by any individual, or the city shall be subjected to any damages in consequence of any defect in any sidewalk, or its being out of repair, the owner or occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable therefor, and the same may be recovered by suit in any court of general jurisdiction. If the owner be a non-resident, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this state.

37. PROPOSALS FOR CONSTRUCTION OF SIDEWALKS.] *Act March 9, 1867, chap. 2.* SEC. 3. The board of public works of said city, in addition to the power hereinbefore conferred, are hereby authorized, from time to time, as it shall be deemed by them for the interest of said city, so to proceed to advertise for proposals for the construction or reconstruction, or relaying of all or any portion of the sidewalks which may be required to be constructed or reconstructed or relaid during the whole or any part of the municipal fiscal year in which such proposals are received, according as the same shall be ordered by the common council or by said board, according to the provisions of the act of which this is supplementary,* the general provisions of said act relative to the letting of work and the execution of contracts, except so far as inconsistent with the powers hereby granted, to apply to this section.

38. DOCK LINES—WATER AND GAS SERVICE PIPES—LAMP POSTS.] *Act March 6, 1867.* SEC. 1. The common council of the city of Chicago shall have power to establish or change the dock lines of Chicago river, and of Chicago harbor, so as to facilitate navigation on the same ; to cause lamp posts to be erected upon any of the streets of said city and to cause water and gas service pipes, with their necessary stop-cocks and other fixtures, to be constructed and laid so as to connect with the gas or water mains in the streets of said city.†

39. APPLICATIONS FOR IMPROVEMENT OF.] *Ibid.* SEC. 2. The provisions of the acts to which this is supplementary and amendatory,‡ as to the manner of making application for any improvement to be executed by said city, are hereby made to apply to the improvements specified in the foregoing section.

40. SEWERS, GAS AND WATER SERVICE PIPES, ETC.] *Act March 9, 1867, chap. 2.* SEC. 5. The common council shall have power to cause public sewers to be constructed and laid in the streets and alleys and public grounds of said city ; to establish or change the dock lines of Chicago river and of Chicago harbor so as to facilitate navigation on the same ; and to cause water and gas service pipes, with their necessary stop-cocks and other fixtures, to be constructed and laid so as to connect with the gas or water mains in the streets of said city.§

* Supplementary to act February 13, 1863, see *ante*, chapter 6, sections 17 *et seq.*

† *Ante*, section 29.

‡ Amendatory of and supplementary to acts of February 13, 1863, and February 15, 1865; see *ante*, section 3.

§ See *ante*, section 29.

41. APPLICATIONS FOR.] *Ibid.* SEC. 6. The provisions of the act to which this is supplementary,* as to the manner of making application for any improvements to be executed by said city, are hereby made to apply to the improvements specified in the foregoing sections.

42. NUISANCES—EXPENSES FOR REMOVAL—HOW COLLECTED.] *Act February 13, 1863, chap. 7.* SEC. 31. In all cases where expenses may be incurred in the removal of any nuisance, the common council may cause the same to be assessed against the real estate chargeable therewith, in the manner prescribed in the twenty-eighth section of this chapter.† Such expense shall be likewise collectable of the owner or occupant of such premises in a suit for money expended to his or their use. Suit may, in like manner, be brought for such expenses against the author of such nuisance, when known, or any person whose duty it may be to remove or abate the same.

43. ASSESSMENT FOR EXPENSE OF REMOVAL.] *Act February 15, 1865.* SEC. 6. The power of assessment conferred by section thirty-one of chapter seven of the above mentioned act, shall extend to all cases where it shall have become necessary to incur expenses for the removal of any nuisance, as well as to those cases where expenses shall have been actually incurred.‡

44. OWNER, NOT OCCUPANT, TO PAY ASSESSMENT—TENANT MAY RETAIN FROM RENT DUE.] *Act February 13, 1863, chap. 7.* SEC. 32. In all cases, where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who ought to bear and pay every charge or assessment made for the expense of any public improvement. Where any such charge or assessment shall be made upon or paid by any person, when, by agreement or by law, the same ought to be borne or paid by some other person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest; or he may retain and deduct the same from any rent due or to become due to such person. Nothing herein contained shall impair, or in any way affect, any agreement between any landlord and tenant, or other persons, respecting the payment of such assessments.

45. INFANT OWNERS OF REAL ESTATE—GUARDIANS FOR, MAY BE APPOINTED.] *Ibid.* SEC. 33. When any known owner residing in said city, or elsewhere, shall be an infant, and any proceedings had under this act shall render it necessary, the circuit court of the county of Cook, the judge thereof, or any judge of any court of general jurisdiction in said city, or the judge of the county court, may, upon the application of the board of public works, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trust, and all personal notices and summons, required by this act, may be served on such guardian.

46. CERTIORARI, WHEN TO BE ISSUED.] *Ibid.* SEC. 34. No writ of certiorari shall be allowed in the case of any special assessment proceedings, commenced under the provisions of this act, unless applied for within thirty

* Supplementary to act of February 13, 1863, and acts amendatory thereof; see *ante*, section 3.

† See *ante*, section 35 and note.

‡ See preceding section.

days after the confirmation of the assessment, and not then at the suit of any party who has neglected to file his objections to such confirmation as hereinbefore provided, unless the party applying for the writ shall satisfy the court by legal and satisfactory evidence, other than his own oath, that he has sufficient legal excuse for such omission or neglect.

47. NEW ASSESSMENT WHEN FIRST INSUFFICIENT.] *Ibid.* SEC. 35. If, in any case, the first assessment prove insufficient, the board of public works shall make a second in the same manner, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid.

48. UPON FAILURE TO COLLECT ASSESSMENT, NEW ONE MAY BE MADE—LIEN OF ASSESSMENTS.] *Ibid.* SEC. 36. If, from any cause, the city shall fail to collect the whole or any portion of any special assessment which may be hereafter levied, and which shall not be canceled and set aside by the order of any court upon certiorari or appeal, for any public improvement required to be paid for by special assessment, the common council may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property, for the amount of such deficiency and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the common council may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such re-assessments that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements to be paid for by a special assessment a charge upon the property assessed therefor for the full period of five years from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered by the common council within that period.

49. COMMISSIONER INTERESTED NOT TO ACT—SPECIAL COMMISSIONER.] *Ibid.* SEC. 37. If, in any case, the commissioners of the board of public works, or either of them, are specially interested in any special assessment about to be levied, the commissioners or commissioner so interested shall be disqualified from serving in that particular case. Any vacancy occasioned in this manner, or by the absence, inability or refusal to serve of any commissioner, may be filled by appointment by the mayor. The special commissioner so appointed shall be allowed two dollars per day for his actual services, and shall be sworn in the same manner as the other commissioners.

50. RIVER IMPROVEMENT MAY BE BY GENERAL TAX.] *Ibid.* SEC. 38. Should the board of public works report to the common council, at any time,

in favor of any proposed improvement of the Chicago river, or either of its branches, or any part or parts of the same, and at the same time recommend that the expense thereof be defrayed by a general tax upon all the taxable property in the city, it shall be lawful for the said common council to levy such a tax; and in such case, the amount required to be raised shall be assessed upon the whole taxable real and personal property in the city, and be included in the general tax levy of the succeeding year, under the head of "permanent improvement tax."*

51. SAME.] *Act March 9, 1867, chap. 2. SEC. 10.* It shall be lawful for the common council, on the recommendation of the board of public works, under the provisions of section thirty-eight of chapter seven of the said act, approved February 13, 1863, to levy a tax for the whole or any part of the expense for an improvement of the character specified in said section.

52. WHEN IMPROVEMENTS MAY BE PAID FROM GENERAL FUND.] *Ibid. SEC. 17.* In case it shall hereafter be determined by judicial decision that any of the improvements authorized by law, or by this act, to be done or made by the city, cannot be paid for in whole or in part by special assessment for benefit, then it shall be lawful for the common council, and they are hereby authorized, to levy and collect taxes for such purposes on all the property assessed in said city for taxation for general revenue purposes.

53. WHAT IMPROVEMENTS CHARGEABLE TO GENERAL FUND.] *Act February 13, 1863, chap. 7. SEC. 39.* The cost and expense of constructing or repairing wharves and slips at the ends of streets, of the cleaning of streets, alleys, lanes and highways, and of ordinary repairs upon the same, of purchasing public squares or parks, and improving the same, of all improvements at the intersections of streets or alleys, or of streets and alleys (excepting sidewalks and area or street walls), of the repair of public buildings belonging to the city, of the construction of cross-walks, and of all bridges and other improvements, not enumerated in the first section of this chapter, shall be chargeable upon, and paid out of, the general fund, or other appropriate fund of said city not raised by special assessment.†

54. LAST SECTION AMENDED.] *Act March 6, 1867. SEC. 7.* Section thirty-nine of chapter seven of the act of 1863, of which this is amendatory, is hereby amended by striking out therefrom the words "of all improvements at the intersection of streets or alleys, or of streets and alleys (excepting sidewalks and area or street walls)."

55. CONSTRUCTION OF BRIDGES BY INDIVIDUALS.] *Act February 13, 1863, chap. 7. SEC. 40.* Whenever any number of persons shall agree to secure to the board of public works the full expense of constructing any bridge, the common council may, in their discretion, authorize the persons, agreeing to bear the expense thereof, to contract for the building of such bridge. In such case, however, the board of public works shall have the entire charge and superintendence of such work, and the plans for the same shall be subject to their approval.

56. INJURY TO PUBLIC PROPERTY—PENALTY FOR.] *Ibid. SEC. 41.*

* See next section.

† Lamp-posts also excepted; *ante*, section 24. See also next section and *ante* sections 28, 29.

Any person or persons who shall injure or destroy any bridge, the construction of which may have been heretofore or may be hereafter authorized or permitted to be built by the common council, or any public buildings or other property belonging to said city, or shall cause or procure the same to be injured or destroyed, or who shall wantonly spoil or damage any street, alley, sidewalk, public square or ground, shall be subject to a penalty not exceeding five hundred dollars for each offense, to be recovered by the city in an action of debt, and may be imprisoned for a term not exceeding six months, in the discretion of the court before whom such conviction may be had, and such person or persons shall also be liable in a civil action at the suit of the city for the damages occasioned by such injury or destruction.

57. MICHIGAN AVENUE—POWER TO INCREASE WIDTH OF—IMPROVEMENT OF.] *Ibid.* SEC. 42. Upon the petition of a majority of the owners of lots upon Michigan avenue, lying between Washington street and the north line of a short street running from Michigan avenue to Lake Michigan on the north line of block twenty-three, in fractional section fifteen addition to Chicago, it shall be lawful for the common council to increase the width of said avenue thirty-six feet upon the east line thereof, from the north line of Randolph street to the north line of the short street running from Michigan avenue to Lake Michigan, on the north line of block twenty-three, in fractional section fifteen addition to Chicago, and secure the east line of the proposed increase of width by a substantial stone wall, so far as the same is necessary for this purpose. Said council shall grade the increased width, aforesaid, to a line of the present level of said street or avenue, and devote twenty feet of said width to the present road bed, graveling the same as the present road bed is graveled, and, upon the remaining sixteen feet of said increased width, construct and lay down a good and substantial stone sidewalk, and upon the wall aforesaid, so far as the same is constructed, and upon a proper stone foundation to be built, erect upon the same, a good and substantial iron fence, along the whole line aforesaid. The said common council, to defray the expense of said improvements, are hereby authorized to have the same assessed by the board of public works, two-thirds of which shall be assessed upon the blocks of land fronting upon Michigan avenue, and lying between Washington street and Twelfth street, and the remaining one-third shall be paid out of the treasury of the city.

58. ENCROACHMENTS PROHIBITED UPON LAND OR WATER IN FRONT OF MICHIGAN AVENUE—INJUNCTION SUIT MAY BE BROUGHT.] *Ibid.* SEC. 43. No encroachment shall be made upon the land or water, west of a line mentioned in the second section of an ordinance concerning the Illinois Central Railroad (which line is "not less than four hundred feet east from the west line of Michigan avenue, and parallel thereto") by any railroad company, nor shall any cars, locomotives, engines, machines or other things belonging to any railroad or transportation company be permitted to occupy the same, nor shall any cars or machinery be left standing upon said tract fronting any part of Michigan avenue south of Madison street, nor shall the city council ever allow any encroachments west of the line above described. And any person being the owner of, or interested in, any lot or part of a lot front-

ing on Michigan avenue, shall have the right to enjoin said company, and all other persons and corporations, from any violations of the provisions of this section, or of said ordinance, and by bill or petition in chancery, in his or their own name, or otherwise, enforce the provisions of said ordinance and of this section, and recover such damages for any such encroachment or violation as the court shall deem just; the state of Illinois, by its canal commissioners, having declared that the public ground east of said lots should forever remain open and vacant, neither the common council of the city of Chicago, nor any other authority, shall ever have the power to permit encroachments thereon, without the assent of all the persons owning lots or land on said street or avenue.*

59. CERTAIN LAND ADDED TO LINCOLN PARK—POWER TO ACQUIRE THREE HUNDRED FOOT STRIP.] *Act March 9, 1867, chap. 6. SEC. 12.* All of the land now owned by the city in section twenty-seven (27) in township forty (40), north, range fourteen east, in Cook county, shall be added to, and form a part of, Lincoln park, and for the purpose of connecting the same with said park, the city may acquire by purchase, gift or condemnation, a strip of land not exceeding three hundred feet in width, lying between said land and said park, and, in case it is necessary to condemn, the proceedings shall be conducted according to the provisions of the charter in relation to condemning lands for streets; but the damages allowed shall be wholly paid by taxation on the taxable property in the town of North Chicago, or by voluntary contribution.

60. REPEALING AND SAVING CLAUSE.] *Act February 13, 1863, chap. 7. SEC. 44.* All provisions of former acts relating to the levying of special assessments in the city of Chicago are hereby repealed: *Provided, however,* that the city shall have the right to continue and complete all proceedings commenced under any former law or ordinance, and shall have and enjoy all the rights accrued or to accrue thereunder, the same as if said provisions remained in full force and effect.

61. CERTAIN ACTS CONTINUED IN FORCE, ETC.] *Act March 9, 1867, chap. 2. SEC. 2.* All acts or parts of acts now in force relating to the board of public works as now constituted, not inconsistent with the provisions of this act, are continued in force and shall apply to the board of public works as provided for in this act, and all the powers and duties conferred therein on the present board shall be and are hereby conferred upon the board of public works as provided for by this act; and all acts or parts of acts inconsistent herewith shall be repealed from and after the first Monday of April, A. D. 1867, and all such acts or parts of acts to be continued in full force and effect until said date. The terms of office of the present board of public works shall expire on said day, or as soon as their successors are appointed and qualified after such date. The salary of the board of public works, as provided for in this act, shall be not less than three thousand dollars annually, to be fixed by the common council.†

* See an act in relation to a portion of the submerged lands and Lake park grounds, etc., Part II, chapter 17, "Railroads," page 289; also appendix for act repealing said act.

† As to term of office; *ante*, chapter 2, sections 6 and 7. Salary not less than \$4,000; *ante*, chapter 3, section 32, and note thereto.

CHAPTER 8.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.*

SECTION.

1. Preamble of ordinance adopting state law.
2. Ordinance adopting state law.
3. Section one of article nine, act of April 10, 1872—Power to make local improvements.
4. Ordinances in regard to, to contain certain clauses.
5. Private property—Proceeding to compensate for.
6. Proceedings prescribed.
7. Petition—Its contents.
8. Summons to defendants—Publication by notice.
9. Summons—How returned.
10. Jury to assess compensation.
11. Jury to view the premises.
12. Verdict to be recorded—Power in court to make adjournments.
13. Where owner has ceased to be owner—Proceeding.
14. No delay in making assessment.
15. Interest of infants and insane persons how protected.
16. Judgments final unless upon appeal taken under conditions.
17. When possession may be taken.
18. Cost of improvement to be collected as a tax.
19. When local improvements made by special tax.
20. Proceedings for making special assessment.
21. Ordinances to specify improvements.
22. Commission to estimate costs of improvement.
23. Proceeding to make assessment when report is approved.
24. Petition, what to recite, etc.
25. Commissioners to be appointed—Oath.

SECTION.

26. Duties of commissioners.
27. Map to be made—What facts to be shown on it.
28. Assessment roll to be made.
29. Proceedings of commissioners—Notice—Manner of giving.
30. Oath of commissioners.
31. When continuance of cause allowed.
32. Objections to assessment—Who may file.
33. Evidence.
34. Precedence of cause on hearing.
35. Court may modify or change assessment.
36. Judgment of the court—Effect of.
37. Clerk to certify judgment.
38. Warrant for collection—What to contain.
39. Collector to give notice—Form of notice.
40. Duties of the collector.
41. Collector to make report.
42. Unpaid assessments—Taking judgment.
43. Redemption allowed.
44. When taxes paid are returned unpaid—Liability to tax payer.
45. Collector to pay over money.
46. General revenue laws applicable.
47. Cities and villages may purchase at tax sale.
48. New assessment may be made—When.
49. Second assessment.
50. Failure to collect.
51. Contracts.
52. Contracts to be let to lowest bidder.
53. Special assessments to be liens.
54. Suits by collector.
55. Compensation for property taken.
56. Part of act may be adopted.
57. When ordinance adopting act in force.
58. Publication ordered.

An ordinance determining to adopt and adopting the provisions of article nine of an act of the general assembly of the state of Illinois, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872.

1. PREAMBLE.] SECTION 1. WHEREAS: The general assembly of the state of Illinois did pass a certain act entitled "An act to provide for the incorporation of cities and villages," which act was approved April 10. A. D. 1872; and whereas, the fifty-fourth section of said article nine provides

* For charter provisions existing prior to adoption of ordinance, in this chapter set out, see *entire*, chapter 7.

as follows: "§ 54. Any city or incorporated town or village may, if it shall so determine, by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof." And the city of Chicago is desirous of adopting the provisions of said article nine, without adopting the whole of said act; therefore,

Be it ordained by the Common Council of the city of Chicago:

2. ORDINANCE ADOPTING STATE LAW.] That the city of Chicago hereby determines to adopt the provisions of article nine of an act of the general assembly of the state of Illinois, entitled "An act to provide for the incorporation of cities and villages," approved April 10th, A. D. 1872, and that all the provisions of said article nine of said act be, and the same are hereby, adopted, and declared to be a part and parcel of the organic law of said city; which provisions of said article nine are as follows, to-wit: Article nine; special assessments for local improvements.

3. POWER TO MAKE LOCAL IMPROVEMENTS.] *Act April 10, 1872.*

SEC. 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment, or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

4. ORDINANCE, WHAT TO CONTAIN.] *Ibid.* **SEC. 2.** When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment, or by special taxation of contiguous property, or general taxation, or both.

5. PROCEEDINGS TO COMPENSATE.] *Ibid.* **SEC. 3.** Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

6. PROCEEDINGS PRESCRIBED.] *Ibid.* **SEC. 4.** Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act,* or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

7. PETITION—ITS CONTENTS.] *Ibid.* **SEC. 5.** Such petition shall contain a copy of the said ordinance, certified by the clerk under the corporate seal; a reasonably accurate description of the lots, parcels of land, and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition,

* Section 3, this chapter.

and where any known owners are non-residents of the state, stating the fact of such non-residence.

8. SUMMONS—NOTICE BY PUBLICATION.] *Ibid.* SEC. 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery; and in case any of them are unknown, or reside out of this state, or on due inquiry cannot be found, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served.

9. RETURN OF SUMMONS.] *Ibid.* SEC. 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all such owners and occupants aforesaid.

10. JURY TO ASCERTAIN INTEREST IN REALTY.] *Ibid.* SEC. 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property, which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land or other property, is mentioned or described in such petition: *Provided*, such person shall be first admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

11. JURY TO VIEW PREMISES.] *Ibid.* SEC. 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement.

12. PROCEEDING UPON VERDICT RENDERED.] *Ibid.* SEC. 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

13. WHERE OWNER HAS CEASED TO BE OWNER.] *Ibid.* SEC. 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same ; and the court may, upon any finding or findings, of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

14. NO DELAY IN MAKING ASSESSMENT.] *Ibid.* SEC. 12. No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interest of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

15. INTEREST OF DISQUALIFIED PERSONS, HOW PROTECTED.] *Ibid.* SEC. 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for such infant or insane or distracted person, to appear and defend for him, her or them ; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person in such property, or the compensation which shall be awarded therefor.

16. JUDGMENT FINAL, UNLESS WHEN.] *Ibid.* SEC. 14. Any final judgment or judgments rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from ; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

17. WHEN POSSESSION MAY BE TAKEN.] *Ibid.* SEC. 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited, as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order

that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

18. COST OF IMPROVEMENT TO BE LEVIED.] *Ibid.* SEC. 16. When the ordinance under which said improvement is ordered to be made, shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village and shall be levied and collected with and as a part of the general taxes of such city or village.

19. WHEN LOCAL IMPROVEMENT MADE BY SPECIAL TAX.] *Ibid.* SEC. 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

20. PROCEEDING FOR MAKING SPECIAL ASSESSMENT.] *Ibid.* SEC. 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be made wholly or in part by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act from eighteen to fifty-one inclusive.

21. ORDINANCES TO SPECIFY IMPROVEMENTS.] *Ibid.* SEC. 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall, in all respects, conform to the requirements of such ordinance.

22. COMMISSIONERS TO ASSESS COSTS.] *Ibid.* SEC. 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

23. WHEN ASSESSMENT MAY BE MADE.] *Ibid.* SEC. 21. On such report being made and approved by the council, or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.

24. FORM OF PETITION.] *Ibid.* SEC. 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement, and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

25. COMMISSIONERS TO BE APPOINTED—OATH.] *Ibid.* SEC. 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

“STATE OF ILLINOIS, }
 County. } ss.

“We the undersigned, commissioners appointed by the county court of _____ county, to assess the cost of _____ [here state in general terms the improvement,] do solemnly swear or affirm [as the case may be,] that we will a true and impartial assessment make of the cost of said improvement upon the city or village of _____, and the property benefited by such improvement, to the best of our ability, and according to law.”

26. DUTY OF COMMISSIONERS.] *Ibid.* SEC. 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of lands that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited; and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property, upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited.

27. MAP TO BE MADE—WHAT TO SHOW.] *Ibid.* SEC. 25.* They shall also make, or cause to be made, a map showing the lots, blocks, tracts and parcels of land which they shall find will be benefited by the proposed improvement, and shall mark upon each lot, block, tract or parcel of land shown by such map the amount they shall find to be its proportion of the cost of such improvement.

28. ASSESSMENT ROLL TO BE MADE.] *Ibid.* SEC. 26. They shall also make, or cause to be made, an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto; and in which they shall set down, as against the city or village, the amount they shall have found as public benefit, and certify such assessment roll, with said map, to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had.

29. PROCEEDING BY COMMISSIONERS.] *Ibid.* SEC. 27.† It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First. They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, or, upon diligent inquiry, can be ascertained, a notice substantially in the following form:

* This section is repealed by act taking effect July 1, 1873; see appendix, “Act to repeal section 25 and to amend sections 27 and 28, of article 9, etc.”

† Amended; see note to section 27.

“ Mr _____ :

“ Your [here give a short description of the premises,] is assessed \$_____ for public improvement. The assessment roll will be returned to the _____ term of the county court of _____ county,

[Here give date.]

“ _____ }
 “ _____ } *Commissioners.*
 “ _____ }

Second. They shall cause at least ten days' notice to be given by posting notices in (at least) four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement, and when a daily newspaper is published in the county of such city or village, by publishing the same at least five successive days in a daily newspaper published in such county; or, if no daily newspaper is published in such county, and a weekly newspaper is published therein, then at least once in each week for two successive weeks, always preferring a newspaper published in such city or village, if there is one. The notice may be substantially as follows :

“ **SPECIAL ASSESSMENT NOTICE.**—Notice is hereby given to all persons interested that the city council [or board of trustees, as the case may be,] of _____ having ordered that [here insert the description and nature of improvements substantially as in ordinance] have applied to the county court of _____ county for an assessment of the cost of said improvements according to benefits, and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the _____ term of said court, commencing on the _____ day of _____, A. D. 18—. All persons desiring may then and there appear and make their defense.

[Here give date.]

“ _____ }
 “ _____ } *Commissioners.*
 “ _____ }

30. OATH OF COMMISSIONERS.] *Ibid.* SEC. 28.* On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail to the owners whose premises have been assessed, and whose names and places of residence are known to them, or, upon diligent inquiry, could be ascertained, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as prima facie evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices.

31. WHEN CAUSE CONTINUED.] *Ibid.* SEC. 29. If ten days shall not have elapsed between the first publication, or the putting up of such notices, and the first day of the next term of such court, the hearing shall be continued until the next term of court.

32. WHO MAY OBJECT.] *Ibid.* SEC. 30. Any person interested in any real estate, to be affected by such assessment, may appear and file objec-

* Amended, see note to section 27.

tions to such report, and the court may make such other order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of, which objections are not filed, within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

33. EVIDENCE—FINDING.] *Ibid.* SEC. 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

34. PRECEDENCE OF CAUSE.] *Ibid.* SEC. 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

35. COURT MAY MODIFY OR CHANGE ASSESSMENT.] *Ibid.* SEC. 33. The court, before which any such proceeding may be pending, shall have authority, at any time before final adjournment, to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may, from time to time as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

36. EFFECT OF JUDGMENT.] *Ibid.* SEC. 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

37. CLERK TO CERTIFY JUDGMENT AND ISSUE WARRANT.] *Ibid.* SEC. 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.

38. WARRANT.] *Ibid.* SEC. 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the re-

spective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

39. COLLECTOR TO GIVE NOTICE.] *Ibid.* SEC. 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

"SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT, No. _____. Public notice is hereby given that the [here insert title of court] has rendered judgment for a special assessment upon property benefited by the following improvement [here insert the character and location of the improvement in general terms], as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of _____; that a warrant for the collection of such assessment is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed at the collector's office [here insert location of office] within thirty days from the date hereof.

"Dated this _____ day of _____, A. D. 18____. _____, Collector."

40. DUTIES OF COLLECTOR.] *Ibid.* SEC. 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment and request the payment of the same. Any such collector omitting so to do shall be liable to a penalty of ten dollars for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment], shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post-office address of the person making the payment and date of payment.

41. COLLECTOR TO REPORT—APPLICATION FOR JUDGMENT.] *Ibid.* SEC. 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report, in writing, to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state, of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of the special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of _____ [or village of _____, as the case may be,] remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants have been received by him for collec-

tion. Said report when so made, shall be prima facie evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And upon the application for judgment upon such assessment no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

42. TAKING JUDGMENT.] *Ibid.* SEC. 40. When said general officer shall receive the report, provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall, in the same manner, proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein.

43. REDEMPTION.] *Ibid.* SEC. 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of the state.

44. LIABILITY FOR TAX PAID RETURNED UNPAID.] *Ibid.* SEC. 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovering in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

45. MONEY RECEIVED TO BE PAID OVER.] *Ibid.* SEC. 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over, to the city or village treasurer to which it shall belong, all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

46. GENERAL REVENUE LAWS APPLICABLE.] *Ibid.* SEC. 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

47. CITIES AND VILLAGES MAY PURCHASE.] *Ibid.* SEC. 45. Any city or village, interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

48. NEW ASSESSMENTS MAY BE MADE WHEN.] *Ibid.* SEC. 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notices given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

49. SECOND ASSESSMENT.] *Ibid.* SEC. 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient money shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

50. FAILURE TO COLLECT.] *Ibid.* SEC. 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment, which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands or been encumbered subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years from the confirmation of the original assessment and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

51. CONTRACTS.] *Ibid.* SEC. 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village, in any event, except from the collections of the special assessments made for the work contracted for.

52. CONTRACTS TO LOWEST BIDDER.] *Ibid.* SEC. 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed five hundred dollars, shall be let to the lowest responsible bidder in the manner to be prescribed by ordinance, such contracts to be approved by the mayor or president of the board of trustees; *Provided, however,* any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

53. SPECIAL ASSESSMENTS A LIEN.] *Ibid.* SEC. 51. All special assessments levied by any city or village under this act shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

54. SUITS BY COLLECTOR.] *Ibid.* SEC. 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered and give a general description of the warrant or warrants issued for the collection thereof; upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition, without formal pleading, and may render judgment on all or any part of the special assessments, as the right and justice of the case may require. The original or a certified copy (by the clerk, under the corporate seal) of such warrant or warrants, and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be prima facie evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a scire facias against the person or persons liable for such payment to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such scire facias, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

55. COMPENSATION FOR PROPERTY TAKEN.] *Ibid.* SEC. 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged, by such proceedings as are authorized by this act, such city or village may file in the same proceeding a

supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be awarded for the property taken or damaged, with the costs of the proceeding, and when it may be desirable so to do, also including the cost of making the improvement for which the property is taken or damaged. When such supplemental petition is filed, like proceedings shall be had, and the assessment made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases.

56. PART OF ACT MAY BE ADOPTED.] *Ibid.* SEC. 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

57. WHEN ORDINANCE IN FORCE.] *Ordinance September 4, 1872.* SEC. 2. This ordinance shall be in force from and after its passage.

58. PUBLICATION PROVIDED FOR.] *Ibid.* SEC. 3. The city clerk is hereby directed to cause this ordinance to be published in the corporation newspaper for ten days consecutively after the same shall have been approved by the mayor.

Referred by the common council to the committee on judiciary, and published July 1, 1872. Reported back by committee on judiciary July 2, 1872. Engrossed July 25, 1872. Passed September 2, 1872.

Presented to the mayor for his approval September 4, 1872.

C. T. HOTCHKISS,

City Clerk.

Approved September 4, 1872.

JOSEPH MEDILL, *Mayor.*

CHAPTER 9.

OF TAXATION.*

SECTION.

1. Power to levy taxes for general purposes—For reform school—For lighting streets—For sewerage—For interest—For permanent improvements—For temporary loans and judgments.
2. Power to levy school tax.
3. Sinking fund tax for certain school bonds.
4. Power to levy tax for police purposes—Limitation on town tax.
5. For cleaning and repairing streets.

SECTION.

6. For sinking fund for general bonded debt.
7. For sewerage extension.
8. For water works.
9. Street labor tax abolished.
10. To tax improvements on school lands.
11. Insurance companies to pay two per cent. on premiums—Failure to do so—Penalty.
12. Disposition of insurance rates collected.
13. Certain sections of act of 1852 repealed.

* See "Act for the assessment of property and the levy and collection of taxes," approved March 30 1872, Gross' statutes, volume 2, page 336 *et seq.* and *post*, chapter 11.

1. COUNCIL TO LEVY CERTAIN TAXES.] *Act February 13, 1868, chap. 8.* SECTION 1. The common council shall have power, within the city, by ordinance:

First. To annually levy and collect taxes, not exceeding four and a half mills on the dollar, on the assessed value of all real and personal estate, in the city, made taxable by the laws of this state, to defray the contingent and other expenses of the city, not herein otherwise specially provided for, which taxes shall constitute the general fund.

[*Articles 2 and 3 of Act of February 13, 1868, repealed.**]

Fourth. To annually levy and collect a tax, not exceeding one mill on the dollar, on all taxable real and personal estate for the support of the reform school.

Fifth. To annually levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate, to defray the expense of lighting the streets in said city.

Sixth. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to pay the interest accruing on the sewerage debt, and provide a sinking fund for the liquidation of said debt, and to maintain the sewerage works and keep the same in repair.†

Seventh. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, to meet the interest accruing on the general bonded debt of said city, and also to provide for the interest accruing upon the water loan bonds, in case the revenue from the water works should be insufficient to pay the same.‡

Eighth. To annually levy and collect a tax, not exceeding two and a half mills on the dollar, on all taxable real and personal estate, when required. for the erection of a city hall, markets, bridewell or house of correction or other public buildings, the purchase of grounds therefor, or for public squares or parks, the building of bridges, improvement of the river and harbor or any other permanent improvement: *Provided*, that no tax shall be levied under this clause, unless a majority of all the aldermen elected shall vote in favor of the same.

Ninth. To annually levy and collect a tax of sufficient amount, on all taxable real and personal estate, when required, to pay any debt that may have been contracted for money borrowed, during the preceding year, to provide for the expense incurred in making any public improvement caused by any casualty or accident happening after the making of the annual appropriation for such year, or to pay any judgment that may have been recovered against the city and paid during such previous year.§

2. SCHOOL TAX.] *Act March 9, 1867, chap. 7.* SEC. 8. The common council shall have power annually to levy and collect a school tax, including the amount levied for a sinking fund, not exceeding five mills on the dollar

* See *post*, sections 3 and 4, enacted in place of articles second and third.

† *Post*, section 7.

‡ *Post*, section 8.

§ Power to levy tax for health board, in case of epidemics: see board of health. Power to levy taxes for improvement of river; see *ante*, chapter 7, section 50. When improvement, by decision of court, cannot be paid for by special assessment, tax may be levied therefor; *ante*, chapter 7, section 52. For repaving of streets, etc.; *ante*, chapter 7, section 34. Act 1873 as to taxation; *post*, chapter 11.

on the assessed value of all real and personal estate in the city made taxable by the laws of this state, to meet the expenses of purchasing grounds for school-houses, erecting and repairing school-houses, supporting and maintaining schools, and payment of interest on school bonds ; and the board of education are hereby authorized, unless prohibited by the common council, to continue the public schools notwithstanding any deficiency in the appropriation and tax levied for that purpose in any year ; and, to provide for the expense thereby incurred, the comptroller may, with the sanction of the mayor and finance committee of the common council, borrow the necessary money, which shall be repaid out of the school tax for the next year.

3. TAX FOR SINKING FUND ON CERTAIN BONDS.] *Ibid.* SEC. 5. The common council shall have the power, and is hereby authorized, to provide, by ordinance, for issuing and negotiating the bonds of the city of Chicago, payable, principal and interest, in New York, in twenty years from date, and bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, to an amount not exceeding five hundred thousand dollars, for the purpose of purchasing and improving school grounds, and erecting or constructing school-houses. Said bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred or one thousand dollars each, as the mayor and comptroller may deem for the best interest of the city ; and an annual tax of not exceeding one-fourth of one mill on the dollar, on the assessed value of all taxable real and personal estate in said city, shall be levied and collected as a sinking fund to pay said bonds at their maturity, and for the payment of such bonds as may have been previously issued for schools or school purposes. Such sinking fund, when collected, shall be invested first in school bonds, and if these cannot be obtained, then in city bonds.

4. POLICE TAX—LIMITATION OF TAX FOR TOWN PURPOSES.] *Act February 16, 1865.* SEC. 22. The common council shall have power to annually levy and collect a tax not exceeding three and one-half mills on the dollar, on all the taxable real and personal estate in said city, for the police expenses of said city ; and the third clause of section one of chapter eight, of the act to which this is an amendment, is hereby repealed. It shall be lawful to levy a tax for town purposes, in any year, in the towns of West Chicago, North Chicago and South Chicago, for any amount not exceeding the sum of fifteen hundred dollars.*

[*Two mills for tunnels ; see "Tunnels," section 34, chapter 16.*]

5. TAX FOR CLEANING AND REPAIRING STREETS.] *Act February 15, 1865.* SEC. 22. The common council shall have power annually to levy and collect a tax, not exceeding two mills on the dollar, on all taxable real and personal estate in said city, to defray the expense of cleaning and repairing the streets and alleys in said city, and the moneys thus raised shall be held, by the treasurer, as a special fund and shall be used for no other purpose whatsoever.

6. SINKING FUND TAX.] *Act February 13, 1863, chap. 8.* SEC. 2.

* Amendatory of act approved February 13, 1863.

The common council shall also, annually, levy and collect a tax of one mill on the dollar on all real and personal estate in said city made taxable by the laws of this state, to provide a sinking fund for the liquidation of the general bonded debt of said city, which amount shall be invested in the purchase of the bonds of said city, if they can be purchased upon satisfactory terms. All city bonds so purchased shall be immediately retired and canceled.

7. TAX FOR SEWERAGE.] In force *April 22, 1871.* SEC. 1. That the legislative authority of any such city which now has, or may hereafter have, established a system of sewerage for such city, shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose.*

8. WATER WORKS TAX.] *Ibid.* SEC. 2. The legislative authority of any such city which now has, or which may hereafter have, established water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, not to exceed one mill on the dollar, for the extension of water mains or pipes therein and the maintenance of such water works, which tax shall be known as "The Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor.†

9. STREET LABOR TAX ABOLISHED.] *Act February 13, 1863, chap. 8.* SEC. 3. The provision heretofore in force, requiring every male resident of the city, over the age of twenty-one years and under the age of sixty years, to labor three days in each year upon the streets and alleys, or to commute therefor at the rate of fifty cents for each day's labor, is hereby abolished.

10. IMPROVEMENTS ON SCHOOL LANDS—TAXATION OF.] *Ibid.* SEC. 4. All improvements on any school or canal lands or lots, and all improvements on the wharfing privileges in said city, together with the interest of the lessees or occupants in the premises, whether by lease, covenant or deed, shall be subject to taxation as real estate. And the personal property, of the owner of such improvements, shall be liable for such taxes, and upon failure to pay the same the collector may levy upon and sell the goods and chattels of such occupant or lessee, for the payment thereof and costs. And in case such lessee or occupant shall have no personal estate, and neglect to pay the

* *Ante*, section 1, article 6, and chapter 5, section 59; *post*, chapter 16, sections 26 and 38.

† *Ante*, section 1, article 8.

taxes, the interest of such lessee or occupant in such premises, together with the improvements, may be sold as real estate: *Provided*, the purchaser shall acquire no greater rights in the land than the tenant or occupant thereof had, but shall take the same subject to all the covenants and agreements in relation thereto.

11. INSURANCE COMPANIES TO PAY PER-CENTAGE ON PREMIUMS—PENALTY FOR FAILURE.] *Ibid.* SEC. 5. All corporations, companies or associations, not incorporated under the laws of this state, engaged in said city in effecting fire, marine or life insurance, shall pay to the city treasurer the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums, which, during the half year ending on every first day of July and January, shall have been received or have been agreed to be paid, for any insurance effected or agreed to be effected in said city, by or with such corporations, companies or associations respectively.* Every person who shall act in said city as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January in each year, render to the city comptroller a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January, preceding such report, shall have been received by him or any other person for him, or shall have been agreed to be paid, for or in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire, marine and life insurance respectively. Said agents shall also pay over to the city treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association, so in default, to transact any business of insurance in said city, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one thousand dollars, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of said city as for money had and received for its use.

12. DISPOSITION OF INSURANCE RATES COLLECTED.] *Ibid.* SEC. 6. The comptroller shall keep three separate accounts of the moneys received from said insurance agents, one of which shall embrace all rates collected on premiums for fire insurance; the second, all rates collected on premiums for marine insurance, and the third, all rates collected on premiums for life insurance. The first insurance rates shall be used only for the purpose of pro-

* See act entitled "Insurance," approved March 11, 1869; Gross' statutes, volume 1, page 363. Also act for assessment of property and levy and collection of taxes, approved March 30, 1872, chapter 8.

noting the efficiency of the fire department of said city, and providing a fund for the relief of disabled firemen; the marine insurance rates shall be exclusively appropriated to the improvement of the river and harbor; and the life insurance rates, to such sanitary measures as may be deemed necessary for the promotion of the public health.

13. CERTAIN SECTIONS OF ACT OF 1852 REPEALED.] *Ibid.* SEC. 7. Sections six, seven, eight and nine of an act approved June 21st, 1852, and entitled "An act to incorporate the firemen's benevolent association, and for other purposes," and all other acts and parts of acts, so far as they require any individual, association or corporation engaged in the business of insurance, or any agent thereof, to pay any money to said firemen's benevolent association, upon their business profits or premiums, are hereby repealed.

CHAPTER 10.

ASSESSMENT AND COLLECTION OF TAXES AND SPECIAL ASSESSMENTS.*

SECTION.

1. Tax commissioner, how appointed—To give bond.
2. Power to divide city into assessment districts.
3. Record of information as to taxable property to be kept—Clerks in department—Record of maps, etc., to be examined.
4. Assessors, when to be appointed—Qualifications—Who constitute board of assessors.
5. Assessors to give bond—May administer oaths.
6. Additional assessment districts and assistant assessors provided for.
7. Valuation of property, when and how made—When to be completed.
8. Property, how assessed—All personal property having situs in city to be assessed—Railroads, how assessed.
9. Duties of assessors—Blanks to be furnished.
10. Penalty for failure to deliver sworn statements to assessors.
11. Refusal to list property—Duty of the assessor—Notice to be given upon filing assessment roll.
12. Revision of assessment—Objections may be heard—Power of the board.
13. Final tax list—Books, how to be ruled.
14. Common council to levy taxes for authorized purposes.
15. Commissioner to compute taxes and extend as one tax—Collection warrants.
16. Collection books, when to be delivered.
17. Same.
18. Time of delivery to collector changed.

SECTION.

19. Persons taking false oath under this chapter guilty of perjury.
20. Power of council to remedy defects—May modify or add to the foregoing requirements—To perfect assessments—State law to apply in making city assessments.
21. Tax to be lien on personal property from May 1st—To be listed as of May 1st.
22. Merchandise, how listed.
23. Property of insurers, bankers and brokers.
24. Penalty for neglecting to render sworn statement.
25. Re-assessment for taxes not collected.
26. Taxes, real and personal—Lien of—Collector may distrain for.
27. Property condemned for streets not to be taxed.
28. Deeds and plats before being recorded to be presented to tax commissioner.
29. Real estate less than one foot wide, how taxed.
30. All property, real and personal, in city to be taxed—No exemption by any local law.
31. No irregularity or informality in assessment to vitiate the tax.
32. Special assessment warrants when issued.
33. Same to be delivered by comptroller to collector.
34. Notices to be given by collector—Duty of collector to levy—Personal tax a lien on property.
35. Fees and proceeding of collector upon levy made.

* The act contained in chapter 11, being a new law as to assessment and collection of taxes in cities, not being in force until July next (1873), it was deemed proper to insert this chapter notwithstanding many of its provisions are repealed by that act.

SECTION.

36. Damages on delinquent special assessments to be collected.
 37. When damages commence to run.
 38. Successor to collector may complete proceedings—Comptroller may act in case of vacancy.
 39. Assessors and collectors liable for neglect of duties—Penalties.

SECTION.

40. Tax commissioner may employ help in office.
 41. Taxes on property destroyed by fire may be abated.
 42. Power to change, reduce, repeal, etc., appropriation bill.
 43. Emergency clause of act of January 18, 1872.

[Acts of March 22, 1872; March 23, 1872.]

1. TAX COMMISSIONER—HOW APPOINTED—BOND.] *Act March 9, 1867, chap. 1.* SECTION 1. The mayor shall, on the first Monday of March, A. D. 1867,* or as soon thereafter as practicable, and quadrennially thereafter, appoint, by and with the advice and consent of the common council, a commissioner of taxes, who shall have been a resident of the city for three years and a freeholder in said city for at least one year prior to his appointment. Said commissioner shall take and subscribe an oath of office, and shall enter into a bond in the penal sum of ten thousand dollars, with two or more sureties to be approved by the mayor, for the faithful performance of his official duties. The salary of said commissioner shall be annually fixed in the appropriation bill by the common council.

2. CITY TO BE DIVIDED INTO ASSESSMENT DISTRICTS.] *Ibid.* SEC. 2. The commissioner first appointed shall, immediately after his qualification, proceed to divide said city into as many and such convenient assessment districts, not exceeding eight, as he shall deem expedient, which shall be known and designated numerically: *Provided, however,* in making such districts, regard shall be had to the natural divisions of said city: *And provided, further,* that such division of said city into districts shall be submitted to, and be subject to the approval of, the common council: *And provided, further,* that such districting shall only be subject to modification or alteration by a vote of three-fourths of all the aldermen elected, such vote to be taken by ayes and nays, and entered on the records of the council.

3. RECORD OF TAXABLE PROPERTY TO BE KEPT—CLERKS—RECORDS OF DEEDS AND MAPS TO BE EXAMINED.] *Ibid.* SEC. 3. Said commissioner shall keep, in suitable books to be provided for that purpose, a record of all information which he may be able to obtain in respect to the taxable property and persons liable to taxation in said city, and all changes in the ownership of real estate in said [city] of which he can obtain information. He shall have power to appoint suitable persons as clerks in said office, the number to be limited and salaries fixed by the common council,† whose business it shall be, under his direction, to make, and from time to time, amend and correct, the record of the property in the office of said commissioner, both as regards the ownership and extent of such property, by a daily examination of maps and conveyances which shall be left for record in the office of the recorder of Cook county, and also all maps in the office of the board of public works, which examination he shall be entitled to make free of all charges whatsoever during office hours.

4. ASSESSOR — QUALIFICATIONS OF — BOARD OF ASSESSORS.] *Ibid.*

* *Ante*, chapter 2, sections 6 and 7; *post*, chapter 11, section 23.

† See *post*, section 40.

SEC. 4. The common council shall, on the first Monday of March, A. D. 1867,* or within thirty days from said time, and biennially thereafter, appoint, by ballot, one assessor for each division of the city, who shall be a free-holder in said division, and have resided therein at least one year preceding his appointment. The said commissioner of taxes, and the said assessors, shall constitute the "board of assessors," the said commissioner being ex-officio president of said board.

5. ASSESSORS' OATH AND BOND—THEY MAY ADMINISTER OATHS.] *Ibid.* SEC. 5. Said assessors, so appointed, shall take and subscribe an oath of office, and shall enter into bonds in the penal sum of five thousand dollars, with two or more sureties, to be approved by the mayor, for the faithful performance of their duties. The commissioner of taxes is hereby authorized to administer any oath required to be taken by this act or by any law of this state. The said assessors are also hereby severally authorized to administer any oath required by this act, or by the revenue or assessment laws of the state.

6. ADDITIONAL ASSESSMENT DISTRICTS AND ASSESSORS THEREFOR.] *Act April 19, 1869.* SEC. 2. The commissioner of taxes may recommend, and the common council may approve of, additional assessment districts, and may appoint assistant assessors, not to exceed one for each district, and when appointed they shall give bonds and take an oath of office and have the same powers as assessors in their districts, and the common council shall fix their salaries at not to exceed one hundred dollars per month while employed, and they may be employed from May first to December first each year.†

7. VALUATION OF PROPERTY, WHEN AND HOW MADE—WHEN COMPLETED.] *Act March 9, 1867, chap. 1.* SEC. 6. The assessors shall, as soon after the first Monday of May in each year as may be, under the direction and supervision of the commissioner of taxes, proceed to examine and determine the valuation of the taxable real and personal estate in their respective districts. Schedules of all the taxable real estate in the several districts shall be furnished by the commissioner of taxes to aid them in the performance of their duties, upon which they shall enter their valuations. Said commissioner, in making out said schedules, may take as his guide the assessment list or collector's book of the previous year, and the list of subsequent conveyances, and such other data as he can find to make them as nearly correct as possible. Said appraisal, together with their appraisal of all the personal estate taxable in said city, shall be completed and filed in the office of said commissioner on or before the first Monday of August, in each year, unless further time shall be granted by the common council.

8. ALL PROPERTY IN CITY TO BE ASSESSED AT TRUE VALUE—RAILROADS, HOW ASSESSED.] *Ibid.* SEC. 7. Said assessors shall not in any case assess taxable real or personal estate any less than its real or true value, as defined by the state revenue laws. All personal property, of every nature and kind, having its actual situs within the city, shall be assessed for muni-

* *Ante*, chapter 2, sections 6 and 7, *post*; chapter 11, sections 2 and 6.

† *Ante*, chapter 2, sections 3 and 35.

cipal purposes in the district where the same may be found, whether the owner resides in the city or not; this provision to extend to and include the proportion of rolling stock of all such railroad or railway companies as run cars or trains into the city by lease of road-bed or track, or by contract or arrangement with any other railway company or corporation. Such proportion to be ascertained and apportioned in accordance with the statutes regulating the assessment of the rolling stock of such companies the same as though such company owned the track or road-bed.

9. MANNER OF ASSESSING—DUTY OF ASSESSORS.] *Ibid.* SEC. 8. The assessors of the several districts shall be furnished with the necessary blanks to take a list of taxable property in their several divisions by the commissioner of taxes. They shall call at the office, place of business or residence of each person required by law to list his property, and at the office of every incorporated company, and require such person or the president, cashier, treasurer, secretary or other officer of such incorporated company, to make a correct statement of his or its taxable property, in accordance with the provisions of law; and the person listing the property shall enter a true and correct statement of such property, and the value thereof, in a written or printed blank prepared for that purpose, which statement, after being filled out, shall be signed by the person listing the property, and shall also be verified by his oath or affidavit.

10. PENALTY FOR FAILURE TO DELIVER STATEMENT.] *Ibid.* SEC. 9. In every case where any person shall neglect or refuse to make out and deliver to the assessor the statement required by this act, or by the revenue laws of the state, verified by oath or affirmation, in addition to the penalties in such case provided by such laws, the common council of said city may provide such other and further penalties as will secure compliance.

11. REFUSAL TO LIST—DUTY OF ASSESSORS—ROLL TO BE FILED—NOTICE.] *Ibid.* SEC. 10. In every case where any person or officer of a corporation, whose duty it is to list any personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, or any property of a personal nature liable to assessment for taxation, shall have refused or neglected to list the same when called on for that purpose by the assessor, or to take and subscribe an oath or affirmation in regard to the truth of his statement, required to be made as aforesaid or by any law of the state, when required by the assessor, the assessor shall enter opposite the name of such person in an appropriate column, "refused to list," or "refused to swear;" and in every case where any person required to list property for taxation shall have been absent, or unable from sickness to list the same, the assessor shall enter opposite the name of such person, in an appropriate column the word "absent" or "sick." When the assessors shall have completed the assessment of the taxable real and personal estate of said city, they shall file the same in the office of the commissioner of taxes, and fix upon a day for the hearing of objections thereto, and the said commissioner shall give notice of the time and place of such hearing by six days' publication thereof in the corporation newspaper. Any person feeling aggrieved, by the assessment of his property, may appear at the time specified and make his objections.

12. REVISION OF ASSESSMENT—POWER OF BOARD.] *Ibid.* SEC. 11. The said assessors, together with the commissioner of taxes, constituting the board of assessors, shall meet at the time and place designated, to revise and correct their assessments. They shall hear and consider all objections which may be made, and shall have power to make all proper corrections and supply omissions in the assessments, and, for the purpose of equalizing the same, to alter, add to, take from, and otherwise correct and revise the same. They shall continue in session during the business hours of each and every secular day for the period of twenty successive days. Thereafter no change, amendment, abatement or alteration shall be made, nor shall any tax or portion thereof be refunded. A majority of said board shall constitute a quorum.

13. FINAL TAX LIST—BOOKS, HOW RULED.] *Ibid.* SEC. 12. When said revision shall have been completed, the commissioner of taxes shall enter in one or more books, to be prepared for that purpose, a complete list of all the taxable real estate in said city, according to the schedules as returned and revised by the board of assessors, showing in a proper column, to be ruled for that purpose, the names of the different owners, so far as known to the said assessors; and in another column, the amount of the valuation made in each case. Said books shall also have ruled therein an appropriate column for extending or inserting the amount of the tax which may be levied on said property. Said book or books shall together constitute the tax list of real estate for such year. The commissioner of taxes shall also enter in another book or books, to be prepared for that purpose, a complete list of the taxable personal estate in said city, as returned and revised by the assessors, showing in the proper column the names of the different persons whose property has been assessed, and in other columns the valuations made by the assessors. Said books shall also have ruled therein an appropriate column for extending or inserting the taxes which may be levied thereon. Said book shall constitute the personal tax list for such year. The commissioner of taxes shall add up the valuations in each list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column on the last page. When said tax lists shall have been so completed, they shall be signed by said assessors, or a majority of them and the tax commissioner, after having been ascertained to be correct, and left in the custody of said commissioner of taxes, and shall constitute the only record to be referred to in any case in which their said assessments may be drawn in question.

14. TAX, HOW LEVIED.] *Ibid.* SEC. 13. The common council shall thereupon, by an ordinance or resolution, levy such sum or sums of money as may be sufficient for the several purposes for which taxes are herein authorized to be levied (not exceeding the authorized per-centage), particularly specifying the purposes for which the same are levied.

15. COMMISSIONER, COMPUTE TAXES—COLLECTION WARRANT.] *Ibid.* SEC. 14. It shall be the duty of the commissioner of taxes to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of the several tax lists, opposite to the person or property chargeable therewith.

When completed, the tax commissioner shall attach to each of said tax lists a warrant, to be signed by the mayor, comptroller and tax commissioner, and the city clerk shall affix the corporate seal and countersign the same, directed to the collector, commanding him to make, levy and collect, as the taxes for such year, the several sums of money set opposite the real and personal estate, or persons in said tax lists mentioned or described, of the goods and chattels of the respective owners of such real and personal estate; which warrants shall also designate the names and rates of the several taxes included therein.

16. WHEN DELIVERED.] *Ibid.* SEC. 15. Said tax lists, with the warrants attached, shall be delivered to the collector by the comptroller, as heretofore, who shall, in all things, proceed as now required by law.*

17. WHEN WARRANTS DELIVERED.] *Act February 13, 1863 chap. 9.* SEC. 6. Said tax lists, with the warrants attached, shall be delivered to the collector by the comptroller on or before the last day of October in each year,† and shall constitute the only process necessary to be issued for the collection of the annual taxes. The comptroller shall take a receipt from the collector for the said tax lists, specifying the amount of the taxes levied in each list.

18. TIME CHANGED.] *Act April 19, 1869.* SEC. 4. The tax lists, with warrants attached as now provided, shall be delivered to the city collector, by the comptroller, on or before the second Monday in December in each year.

19. TAKING OF FALSE OATH—PERJURY.] *Act March 9, 1867, chap. 1.* SEC. 16. Every person who shall be guilty of willful and corrupt false swearing or affirming in taking any oath required by this chapter shall be deemed guilty of willful and corrupt perjury, and shall be punished accordingly.

20. POWER OF COUNCIL TO REMEDY DEFECTS, WHEN—STATE LAW IN FORCE AS TO ASSESSORS.] *Ibid.* SEC. 17. The common council, in order to remedy any unforeseen defect or omission, shall have the power, at any time, upon the recommendation of the commissioner of taxes, by ordinance, to so modify or add to the requirements of this chapter as to perfect the assessments to be made in said city for municipal purposes: *Provided, however,* that no such modification or addition shall be made unless at a regular meeting, after due publication thereof, and then only by a vote of two-thirds of all the aldermen elected, said vote to be taken by ayes and noes, and entered on the minutes of the council; and in case the same is vetoed by the mayor, it shall require three-fourths of all the aldermen elected to pass the same over such veto. The board of assessors hereby created shall perform all the duties in relation to assessing property for the purpose of levying the taxes imposed by the common council. The assessors, in the performance of their duties, shall have the same powers, and be subject to the same liabilities as are, or may be, given by law to town assessors, unless otherwise provided in this chapter. The state laws for the assessment of all taxable real and

* See next section (17).

† Time changed; see next section (68).

personal property now in force, or that may hereafter be adopted, unless in conflict with this chapter or the acts to which this is an amendment, shall apply and govern in making municipal assessments.

21. LIEN ON PERSONAL PROPERTY—DATE OF LISTING.] *Act April 19, 1869.* SEC. 3. Personal property within the city of Chicago shall be listed as from the first day of May until the last day of April in each year, and the tax for the current year shall be a lien thereon from May first, but may be collected from other personal or real property of the person or persons assessed.

22. MERCHANDISE HOW LISTED.] *Act March 9, 1867, chap. 1.* SEC. 19. When any person shall commence merchandizing in said city after the first day of April in any year, the average value of whose personal property employed in merchandizing shall not have been previously entered on the assessor's list for taxation in said city, it shall be the duty of such person to make out a sworn statement of the probable average value of the personal property by him intended to be employed in such business, until the first day of April thereafter, and deliver the same to the tax commissioner, who shall enter the same on the tax list of the proper division or district, and shall pay to the collector of said city a sum which shall bear the same proportion to the levy for all purposes on the average value so employed, as the time from the day on which he shall commence merchandising aforesaid to the first day of April next succeeding shall bear to one year.*

23. PROPERTY OF INSURERS, BANKERS AND BROKERS—HOW LISTED.] *Ibid.* SEC. 20. When any person, firm or corporation shall commence or engage in the business of insurance, banking, dealing in stocks of any description, or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, or other kind of writing obligatory, or in any other business whatever, after the first day of April in any year,† the average value of whose personal property so employed in such business shall not have been so entered on the assessor's list for taxation in said city, it shall be the duty of such person, or firm, or such corporation, by its president, secretary, or principal accounting officer, to make a sworn statement, and deliver the same to the tax commissioner, giving fully the probable average value of the property by him, them or it intended to be employed in such business until the first day of April thereafter, which amount shall be entered on the tax list, and the tax collected as in other cases.

24. PENALTY FOR NEGLECTING TO MAKE SWORN STATEMENTS.] *Ibid.* SEC. 21. Should any person, firm or corporation fail or neglect to make out sworn statements of their property as required by the two preceding sections, and report the same to the tax commissioner, it shall be the duty of the assessors to assess them as therein required, as nearly as may be, adding thereto ten per cent. in addition to the existing provisions of law.

25. RE-ASSESSMENT OF TAXES NOT COLLECTED.] *Ibid.* SEC. 22. If any real or personal property shall have been heretofore, or shall hereafter be, omitted in the assessment, or on which the city for any cause shall have

* See *ante*, section 21.

† See *ante*, section 21.

failed to collect the tax of any year or number of years, the same, when discovered or ascertained, shall be assessed by the assessor for the time being and placed on the assessment list with the arrearages of tax that should have been assessed, with six per cent. interest thereon from the time the same ought to have been paid.

26. LIEN OF TAXES, REAL AND PERSONAL—COLLECTOR MAY DISTRAIN.] *Act February 13, 1863, chap. 9.* SEC. 10. All taxes levied by the common council, under this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes, from and after the delivery of the warrant for the collection thereof to the collector; and no sale or transfer of said property shall affect the lien, but the said property may be seized by the collector wherever found, and removed, if necessary, and sold to discharge the taxes of the person owing the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment.*

27. PROPERTY CONDEMNED FOR STREETS, ETC., NOT TO BE TAXED.] *Act April 19, 1869.* SEC. 1. That all lots, parts of lots, or land condemned by the common council of the city of Chicago for streets, alleys or other public use, shall be exempted from taxation from and after the first day of May following, but if such condemnation be defeated by law, or otherwise, then such lots or land shall be re-listed and be liable for all taxes and assessments not assessed or collected while under condemnation.

28. DEEDS AND PLATS TO BE PRESENTED TO TAX COMMISSIONER BEFORE BEING RECORDED.] *Ibid.* SEC. 6. All deeds or other conveyances of real estate, and all plats of divisions or sub-divisions, before being recorded, shall be presented at the office of the commissioner of taxes, who shall take notes of the same and make them a part of the records of his office and he shall stamp all such deeds or articles of conveyance and plats with the words "examined, commissioner of taxes."

29. REAL ESTATE LESS THAN ONE FOOT WIDE.] *Ibid.* SEC. 10. All lots or parts of lots or land of less size, front and rear, than one foot wide, if required to be assessed separate, shall first be surveyed, platted and recorded by the owner, if required to do so by the assessor, and until so platted and recorded, it may be assessed with the lot or land of which it was an original.

30. ALL PROPERTY TO BE TAXED.] *Act January 4, 1872.* SEC. 1. That the real and personal property within all incorporated towns and cities in every county in this state shall be taxable for all purposes, any local or special law in regard to exemption of any particular town or city to the contrary notwithstanding; and all provisions of law in conflict with this act are hereby repealed; but nothing herein shall be construed as authorizing the taxation of property allowed to be exempt by any general law now in force or that may hereafter be passed. And all laws requiring any city to support

* *Post*, sections 34 et seq.

and provide for its paupers, to assume liabilities, or perform duties required of counties by the general laws of this state, are hereby repealed; and the general laws of this state upon such subjects, in relation to counties and cities, shall be applicable to all counties and cities in the state.

31. NO IRREGULARITY OR INFORMALITY IN ASSESSMENT TO VITIATE TAX.] *Act February 13, 1863, chap. 9.* SEC. 30. No assessment of property, or charge for taxes or assessments thereon, shall be considered illegal on account of any irregularity or informality in the tax lists or assessment rolls, or on account of the assessment rolls or tax list not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of taxes or special assessments, not affecting the substantial justice of the tax or assessment itself, shall vitiate, or in any way affect, the tax or assessment.

32. SPECIAL ASSESSMENT WARRANTS—WHEN ISSUED.] *Ibid.* SEC. 7. When any special assessment shall have been confirmed by the common council, and no right of appeal therefrom is given by this act, it shall be the duty of the city clerk to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the mayor, comptroller and city clerk, and shall contain a copy of the assessment roll as confirmed by the common council, or so much thereof as describes the real estate assessed and the amount of the assessment in each case. If the right of appeal from the order of confirmation should exist, in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeal; and if, in any case, an appeal should be actually taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

33. SAME TO BE DELIVERED TO COLLECTOR.] *Ibid.* SEC. 8. All warrants issued for the collection of special assessments shall be delivered by the comptroller to the collector, taking his receipt therefor in the manner prescribed in the case of warrants for the collection of the annual taxes.

34. NOTICE BY COLLECTOR—COLLECTOR TO LEVY ON PERSONAL PROPERTY—ADVERTISE DELINQUENTS.] *Ibid.* SEC. 9. Upon the receipt of any warrant for the collection of the annual taxes, or any special assessment, the collector shall forthwith give notice, by ten days' publication in the corporation newspaper, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such taxes or assessments. Immediately after receiving the personal property tax list, he shall notify all persons, through the post office, of the amount of their personal property tax. In the notice to be published in the corporation newspaper, he shall notify all parties interested, that after the expiration of sixty days from the day of receiving said list, he will levy upon the personal property of all who shall have failed to pay; and, at the end of sixty days, he shall so levy, if property, belonging to such delinquent persons can be

found; and he shall be liable for the amount of their tax in case of neglecting to do so. Where persons cannot be found, or property belonging to them, out of which to make the tax, the collector shall advertise their names and call for information concerning them and their property, and state the amount of their tax in the corporation newspaper; and this tax shall be a lien upon any property they may have or may thereafter acquire, until paid; and the collector, or his successor in office, may at any time thereafter levy for the same. But nothing in this section contained shall be so construed as to prevent the collector from levying at any time after the publication of the ten days' notice above required.*

35. FEES AND PROCEEDINGS UPON LEVY.] *Act February 15, 1865.* SEC. 9. The city collector shall be allowed, for the use of said city, one-half the same fees and charges, for making distress and sale of goods and chattels for the payment of city taxes and special assessments, as may be allowed by law to constables for making levy and sale of personal property on execution, and his proceedings in such cases shall conform, as nearly as may be, to those prescribed for town collectors by the general laws relative to the collection of the revenue.

36. DAMAGES COLLECTED ON DELINQUENT TAXES AND SPECIAL ASSESSMENTS.] *Act February 13, 1863, chap. 9.* SEC. 11. If, from any cause, the taxes charged in the real estate tax list shall not be collected or paid, on the lands or lots described therein, on or before the first day of January ensuing the date of the warrant, it shall be the duty of the collector to demand and collect, for the use of said city, in addition to the taxes remaining unpaid, five per cent. damages thereon in every case;† and if the assessments charged in any special assessment warrant shall not be paid within sixty days, after the first publication of notice by the collector that he has received such warrant for collection, the assessments then remaining unpaid shall be collected, with damages, at the rate of one per cent. thereon, for each and every month thereafter, until the same shall be paid.

37. DAMAGES ON UNPAID ASSESSMENTS.] *Act March 9, 1867, chap. 2.* SEC. 9. Section eleven of chapter nine of said act, approved February 13, 1863, is, hereby, so amended that in case of assessments made in accordance with the foregoing section, damages on any assessments which shall remain unpaid after the collector shall give public notice that he has received the warrant for its collection, shall begin to accrue, at the rate of one per cent. a month, thirty days after the date [of] such notice.

38. SUCCESSOR OF COLLECTOR MAY COMPLETE PROCEEDINGS—VACANCY—COMPTROLLER MAY ACT.] *Act February 13, 1863, chap. 9.* SEC. 27. Any change made in the incumbent of the office of the collector, during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office of such collector shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessor had continued in office. In case of a vacancy occurring in any such

* Several notices may be in one advertisement; *ante*, chapter 7, section 7.

† Five per cent. clause held unconstitutional; see *Scammon v. City of Chicago*; 44 Illinois Reports, 269.

office, the proceedings shall be prosecuted by the comptroller until such vacancy is filled by election or otherwise.

39. ASSESSOR AND COLLECTOR LIABLE FOR NEGLECT OF DUTY.] *Ibid.* SEC. 29. Any assessor, collector or other officer who shall, in any case, refuse or knowingly neglect to perform any duty enjoined upon him by this chapter,* or who shall consent to or connive at any evasion of its provisions, whereby any proceeding required by this chapter shall be prevented or hindered, shall, for every such neglect or refusal, be liable to said city, individually and upon his official bond, for double the amount of loss or damage caused by such neglect or refusal, to be recovered in an action of debt in any court having jurisdiction of the amount thereof.

40. COMMISSIONER TO EMPLOY HELP.] *Act April 19, 1869.* SEC. 9. The commissioner of taxes, under the direction and approval of the comptroller and the finance committee, may, from time to time, employ such help as he may need in his office, and fix the compensation therefor.

41. POWER TO REBATE TAXES ON PROPERTY DESTROYED.] *Act January 18, 1872.* SECTION 1. That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees—the city comptroller, if there should be one, and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one, if not, then the chairman of the finance committee of the city council or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

42. CHANGE OF ASSESSMENT ON PROPERTY DESTROYED.] *Ibid.* SEC. 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce, or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

43. EMERGENCY.] *Ibid.* SEC. 3. Whereas a large amount of property

* The chapter referred to is chapter 9, act February 12, 1863.

listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go in force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

An act in regard to the assessment and collection of taxes in incorporated cities, towns and villages, for the year A. D. 1872, and prior years.

PREAMBLE.] *Act March 28, 1873.* WHEREAS: Certain incorporated cities, towns and villages within this state have proceeded, under the provisions of their respective charters, in the assessing, levying and collection of their respective municipal taxes for the year A. D. 1872, for the reason that it was believed that the general revenue law was not applicable to said year, and other incorporated cities, towns and villages have certified to the county clerk of their respective counties, under the provisions of the said general revenue law, the same being entitled "An act for the assessment of property, and for the levy and collection of taxes," in force July 1, 1872; and, whereas, it is desirable to remove all doubt as to the validity of the tax levies of incorporated cities, towns and villages for said year A. D. 1872.

CERTAIN TAXES LEGALIZED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* that the taxes assessed or levied by any incorporated city, town or village in this state for, or during the year A. D. 1872, under or in accordance with the provisions of the charter of such city, town or village, and all proceedings had by such city, town or village, and the officers of any such city, town or village, as to such assessment, levy or the collection of any such taxes, shall be and are hereby declared to be as legal and valid and of like effect as if said act for the assessment of property and for the levy and collection of taxes, in force July 1, A. D. 1872, had not been passed.

RETURN OF DELINQUENT LIST—APPLICATION FOR JUDGMENT.] *Ibid.* SEC. 2. Any city collector or other collector having the rolls or warrants for the collection of the taxes so assessed and levied by any such city, town or village, for or during said year A. D. 1872, shall, at such time as may be designated by the legislative authority of any such city, town or village, return to the sheriff in counties not under township organization, and to the treasurer in other counties, as county collector, a list of the real estate on which the taxes so assessed or levied by the authority of such city, town or village, shall remain unpaid at the time of such return, together with the amount of the municipal taxes assessed and levied thereon, as shown by such rolls or warrants. It shall be the duty of the sheriff or county treasurer, as county collector, to advertise, and at such term of the court as may be directed by the legislative authority of such city, town or village, to apply for judgment, and when judgment is obtained, to sell or offer for sale such delinquent real estate, in the manner that real estate delinquent for state and county taxes is disposed of under the laws of this state in force

and then applicable to the county in which such real estate is situated, but it shall not be required that the dates fixed by such laws shall be observed, with respect to the returns required to be made to the sheriff or county treasurer, as county collector, under this act; but the relative times fixed and determined by said laws for the advertisement, judgment, sale and redemption for state and county taxes shall be observed in all proceedings under this act, unless otherwise in this act provided.

RETURN WHERE WARRANT DESTROYED.] *Ibid.* SEC. 3. The amount of any tax heretofore assessed or due on any real estate for any prior year or years, and remaining unpaid for any cause whatever, together with a list of the real estate upon which the same shall have been levied, may be returned to the sheriff or county treasurer by the collector making the return, provided in section two hereof, at the same time that he makes such return; and where any rolls or warrants for the collection of any such taxes, for any prior year or years, shall have been destroyed, by fire or otherwise, such collector shall make his return as to the said real estate upon which such taxes assessed for such prior year or years remain unpaid, and the taxes unpaid thereon, from the best information that he can obtain. And all the provisions of this act, relating to the taxes mentioned in said section two, the return and the collection thereof, shall apply to the taxes authorized to be returned by this section.

COUNTY TREASURER—POWERS AND DUTIES OF.] *Ibid.* SEC. 4. The county treasurer, or sheriffs as county collectors, upon any return being made to them under this act, shall have all the powers and perform all the duties in regard to the collection of the taxes so returned, the advertisement thereof, the application for judgment and order of sale on the delinquent property so returned and making sale thereof, and in all other matters pertaining to such taxes, as such county collectors have as collectors of state and county taxes in their respective counties, and the county court shall have like jurisdiction as in case of state and county taxes.

APPLICATION FOR JUDGMENT—PROCEEDING.] *Ibid.* SEC. 5. All payments of delinquent taxes, after such return, shall be made to the county treasurer or sheriff at his office; and said county collector shall collect and enforce the payment of all taxes for municipal or other purposes, where a return thereof shall have been made by them as unpaid, in the same manner as such county collectors may be authorized to collect and enforce the payment of state and county taxes; and county courts shall have jurisdiction to hear any application for judgments and orders of sale made by any such treasurer or sheriff as county collector, to enable him to collect and enforce the payment of taxes which may have been returned to him in pursuance of this act; and such courts shall have like powers, and like proceedings may be had, as near as may be, as by then existing laws shall be provided to be had on application for judgment and order of sale for state and county taxes: *Provided, however,* that in the notices to be given of the intended application for judgment and order of sale, the time when the sale will commence shall be fixed for the second Monday of the month succeeding the month at which such intended application for judgment and order of sale

is to be made. When the legislative authority of any such city, town or village, shall direct that the application for judgment and order of sale for such taxes shall be made at the same time that the next application shall be made in such county for the judgment and order of sale for state and county taxes, the notices or advertisements, judgments and orders of sale and other proceedings may have separate headings indicating the lots or tracts of land taxed or assessed, and the amount of the municipal taxes, and costs against such lot or tract of land. If from any defect in the proceedings, or for any other cause, judgment and order of sale cannot be obtained for the whole or any part of the municipal taxes so returned, new proceedings may be had under this act for so much as judgment and order of sale was not obtained for, to be collected with the next annual taxes of such city, town or village. The statement in writing (or return) made to any county treasurer, or sheriff as county collector under this act, shall, on the application for judgment and order of sale, be prima facie evidence that all the requirements of the law have been complied with in the assessing and levying the taxes therein returned as unpaid, and in the making of such "return;" and also shall, in such application for judgment and order of sale, be prima facie evidence that the taxes and assessments therein returned as unpaid, are due and unpaid.

COLLECTORS TO PAY OVER MONEYS.] *Ibid.* SEC. 6. The county treasurers, or sheriffs as county collectors, of the several counties, having received a "return" of any unpaid taxes under this act, shall keep a true account of all moneys by them collected on account thereof; and shall, as often as once in each month, and as often as once a week if demanded, pay over the amounts collected to the municipality or other authorities or persons entitled to receive the same; and upon sale having been made of such delinquent lands or lots, shall immediately make a final settlement, and pay over to the proper officers, authorities or persons, the full amount that shall then be in his hands, less his fees, which shall be the same as provided by law for the collection of state and county taxes by such officer. All the provisions of said act entitled, "An act for the assessment of property, and for the levy and collection of taxes," in force July 1st, 1872, as to the manner of conducting the sale, the issuance of certificates of purchase, the redemption from sale and the issuance of deeds upon such certificates, as to the state and county taxes, shall apply to, and be in force as to, the taxes returned under the provisions of this act.

PERSONAL ACTION FOR TAXES.] *Ibid.* SEC. 7. A personal action may be had, either in debt or assumpsit, by the municipal incorporation, either in its own name or by the county collector to the use of any such municipal incorporation, for any taxes on real or personal property, for the amount of the taxes levied thereon by such municipal incorporation, prior to the year A. D. 1873. And, upon the trial of such action, a certified copy of so much of the warrant issued by authority of any such city, town or village, as describes the property upon which such tax was levied, and the amount of such tax and to whom assessed, together with the certificate of the officer to whom such warrant was issued, or his successor in office, that such

tax remains unpaid, or in case of the destruction of any such warrant, a certified copy of so much of the assessment roll as describes the property assessed, and shows the valuation thereof and to whom assessed, together with a certified copy of the ordinance levying such tax, shall be prima facie evidence that such a tax is due from the person to whom it is assessed and unpaid, and shall be sufficient to authorize judgment against the person or persons to whom the same was assessed, to be entered in favor of such municipal incorporation for the amount of such tax (and interest, if any there shall appear to be due thereon), unless such prima facie evidence shall be rebutted. In case any such assessment roll, or any such warrant, does not show to whom the said property was assessed, the court shall receive all such evidence as may have a bearing on the case, and as may enable the court to determine whether or not the defendant is liable for the taxes claimed in any such action. Upon the rendition of judgment an execution may issue, as in case of other personal judgments, and may be collected in the same manner.

THE PERSONAL ACTION CUMULATIVE TO OTHER REMEDIES.] *Ibid.* SEC. 8. The personal action for the collection of such taxes shall be cumulative to the remedy hereby provided for their collection by a return to the county treasurer, or sheriff as county collector, and the lien of such taxes, on the property assessed, shall continue until such taxes are paid by sale of the property assessed, or otherwise: *Provided, however,* there shall be but one satisfaction of such taxes; and upon payment of such taxes, all proceedings for the collection thereof shall be discontinued; but the court shall have power to adjudge the costs upon such discontinuance as it may deem just and equitable.

AMENDMENT OF PLEADINGS.] *Ibid.* SEC. 9. In all judicial proceedings, of any kind, had under this act, all amendments may be made which, by law, could be made in any personal action pending in such court, and no assessment of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment rolls, or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax list without name, or in any other name than that of the rightful owner; and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collecting of the taxes, not affecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax or the assessment thereof; and any irregularity or informality in the assessment rolls or tax lists, or in any of the proceedings connected with the assessment or levy of such taxes, or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to law by the court, or by the person (in the presence of the court) from whose neglect or default the same was occasioned.

APPEAL TO SUPREME COURT—WRIT OF ERROR—CONDITIONS.] *Ibid.* SEC. 10. Writs of error may be prosecuted to the supreme court, as now provided by law, on judgments or orders of county courts, in any such

proceeding, subject to the conditions, hereinafter contained, in case such writ of error is to operate as a supersedeas; and appeals shall also be allowed to the supreme court (and not elsewhere), as now provided by law in like cases to the circuit court, from any judgment or order of sale made by any county court respecting any property returned as delinquent under the provisions of this act; but no appeal shall be allowed, nor shall a writ of error operate as a supersedeas to the defendant in any such proceeding unless he shall, before taking such appeal or swearing out such writ of error, deposit with the county collector an amount of money, equal to the amount of the judgment and costs, to be applied as hereinafter provided, and give bond, with security, conditioned for the payment of all costs and damages that may be sustained by reason of such appeal or writ of error; such bond to run to the people of the state of Illinois, for the use of such city, town or village claiming such taxes; but upon an appeal by such city, town or village, no bond shall be required. If the judgment of such county court shall be affirmed, in whole or in part, it shall be the duty of the supreme court, upon such affirmance, to enter judgment for the amount of such taxes with ten per cent. damages added thereto; and the supreme court shall make order that the amount so deposited with the collector as aforesaid, or so much thereof as may be needed, shall be credited upon the judgment so rendered, and execution may issue for the balance of said judgment, damages and costs. The clerk of the supreme court shall transmit to said collector a certified copy of the order of affirmance, and it shall be the duty of said collector, upon receiving such order, to apply so much of the amount deposited with him by the defendant as shall be necessary to satisfy the amount for which judgment shall have been rendered in the supreme court, and shall account for the same as though such taxes had been paid by the defendant in discharge of the judgment. If the judgment of such county court shall be reversed and the cause remanded, the county court shall have power to rehear such cause and shall have all such powers upon such rehearing as is provided in section nine (9) of this act. Should the judgment, upon such rehearing, be against the defendant for the amount of said taxes claimed to be due, or any part thereof, and the same not appealed from, or a writ of error be not prosecuted with supersedeas thereon, as provided by this act, the court shall cause to be certified to said collector the amount of such judgment, and thereupon the county court shall order said judgment to be credited with the amount of such deposit in the hands of said collector or so much thereof as will satisfy said judgment, and the collector shall charge himself with the [amount] so certified to him, as taxes collected under said judgment out of the deposit aforesaid: *Provided*, that nothing herein shall be construed as requiring the defendant to make an additional deposit in case of more than one appeal or writ of error being prosecuted in such proceedings. If upon final hearing it shall be adjudged that said taxes, or any part thereof, are not due and owing from the defendant, it shall be the duty of the collector to pay over to the defendant the amount of money so deposited, or such part thereof, as shall remain after satisfying the judgment to the extent it shall be found against the defendant.

INFORMALITY IN RETURN TO COUNTY CLERK.] *Ibid.* SEC. 11. When

the proper authorities of any incorporated city, town or village shall have certified to the county clerk the several amounts, or the amount which such city, town or village required to be raised by taxation, in pursuance of section one hundred and twenty-two (122) of said "act for the assessment of property, and for the levy and collection of taxes," in force July 1, 1872, and the amounts or amount so certified, shall have required, or shall require such county clerk; in pursuance of the provisions of said act, to extend upon the proper valuation of property in such city, town or village, a rate per cent. which is or will be in excess of the rate per cent. of taxation limited by the charter of any such city, town or village, such certificate of the amounts or amount required so made, and the rate per cent. and tax so extended, or so to be extended by such county clerk, shall be as legal and valid to all intents and purposes as if the charter of such city, town or village contained no limitation or restriction as to the rate per cent. of taxation.

APPLICATION OF THE ACT.] *Ibid.* SEC. 12. The provisions of this act shall be applicable to all taxes or water assessments levied under the provisions of the charter of any such incorporated city, town or village.

EMERGENCY.] *Ibid.* SEC. 13. It being important that the incorporated cities, towns and villages in this state should receive their revenues, to be derived from taxation, at as early date as practicable, an emergency has arisen requiring this act to take effect immediately; therefore this act shall be in force from and after its passage.

CHAPTER 11.

ASSESSMENT OF PROPERTY AND THE LEVY AND COLLECTION OF TAXES.

SECTION.

1. Power given to levy taxes for certain purposes.
2. One assessor and one collector to be elected—Assistant assessors may be appointed—Assessors to have same powers as assessors for state and county purposes.
3. Property assessed at actual value—All personal property having actual situs in city to be assessed.
4. Personal property to be assessed with reference to quantity and ownership, May 1.
5. Application of general revenue laws of state.
6. Assessment roll to be filed—Board of equalization—Duties of.
7. Objections may be heard and assessment revised.
8. Final tax list—Duty of clerk as to same—To be signed by mayor, city clerk and assessor.
9. Taxes, how levied.
10. Clerk to compute and extend taxes as one tax—Warrant to be attached to tax list.
11. Council may fix date of return of warrant by collector.

SECTION.

12. Collector—His duties.
13. Collector may appoint deputies.
14. Taxes a lien from May 1—Owner on that day liable—No transfer to affect lien—Fees of collector.
15. Return to be made to county collector—What to contain.
16. Duty of county collector on return made—Sale of delinquent property—Proceedings—Appeal.
17. City collector to collect to time of sale.
18. City treasurer to attend sale and receive moneys—Fees on sale of delinquent property.
19. Redemption.
20. Provisions of general revenue law to apply to redemptions and deeds.
21. Penalty for sale of property upon which tax paid.
22. Council may elect to raise money under general revenue law.
23. Tax commissioner may be appointed—Duties of, to be prescribed—His powers.

1. POWER TO LEVY TAXES FOR CERTAIN PURPOSES.] *Act April 15, 1873.** SECTION 1. That in all incorporated cities in this state, the city council may, by ordinance, annually, levy and collect city taxes on real and personal property within the city :

First. For general and contingent expenses, or any other expenses not herein otherwise provided for.

Second. For supplying and maintaining schools and erecting and repairing school houses.

Third. For the erection of a city market, bridewell or house of correction, or other public buildings, purchase of grounds therefor, the building of bridges, improvement of the river or harbor, for improving the sanitary condition of the river or harbor, or any other permanent improvement.

Fourth. A tax of sufficient amount to meet the interest accruing on the indebtedness of the city.

Fifth. To provide for a sinking fund, or funds, for the payment of the general or special indebtedness of the city ; and no city shall hereafter contract any debt without, at the same time, providing for the annual levy and collection of a direct tax sufficient to pay the interest, and the principal when it falls due. All money raised for any sinking fund shall be invested in the purchase of bonds of said city—such purchase to be made, from time to time, as directed by the mayor—and all bonds so purchased shall be immediately retired and canceled, in the presence of the city council, at some stated meeting thereof. No sinking fund shall be used for any other purpose than the purchase of city bonds or the payment of the city indebtedness upon account of which such sinking fund was raised : *Provided*, that no tax shall be levied under this section, unless two-thirds of all the aldermen elected shall vote in favor of the same.

Sixth. A tax of sufficient amount, when required, to provide for the expense incurred in making any public improvement, caused by any casualty or accident happening after the making of the annual appropriations for such year, or to pay any judgment that may have been recovered against the city during such previous year.

Seventh. To levy taxes for the building, extension and maintenance of sewers ; for the laying and extension of water mains or pipes, and for establishing and maintaining of water works ; for the lighting of the city, and to establish and maintain gas works.

2. ASSESSOR AND COLLECTOR TO BE ELECTED—ASSISTANTS APPOINTED—POWERS OF.] *Ibid.* SEC. 2. There shall be one assessor and one collector, who shall be elected, by the people, at the time fixed by law for electing the mayor of the city, and the term of office of the collector shall be the same as that of the mayor, and the collector shall give bonds for the faithful performance of the duties of his office, in such manner, form and amount as the common council may, by ordinance, provide. The city council may authorize such assessor to appoint such number of assistant assessors as the city council may adjudge necessary. The city council may prescribe the duties and

* In force July 1, 1873.

define the powers of such assessor (and of such assistant assessors, if appointed), by ordinance: *Provided*, that such assessors shall have the same powers that assessors may possess, under the general laws of the state for the assessment of state and county taxes, not inconsistent with this act; and the city council may, by ordinance, prescribe the form of all assessment books or rolls.

3. PROPERTY ASSESSED AT ACTUAL VALUE—ALL PROPERTY ASSESSED.]

Ibid. SEC. 3. The assessor shall assess all taxable real and personal estate at its real or true value, as defined by the state revenue laws. All personal property of every nature and kind, having its actual situs within the city, shall be assessed for municipal purposes, whether the owner resides in the city or not; this provision to extend to and include the property of railroads and the proportion of rolling stock of all such railroads or railway companies as run cars or trains into the city by lease of road-bed or track, the same as though such companies owned the track or road-bed; such railroad property to be assessed and such proportion to be ascertained and apportioned in accordance, as near as may be, with the statutes regulating the manner of listing and valuing the property of railroads for state and county taxation.

4. PERSONAL PROPERTY TO BE ASSESSED AS OF MAY 1.] *Ibid.* SEC. 4.

Personal property shall be listed, for municipal purposes, with reference to the quantity on hand and owned on the first day of May in the year for which the property is required to be listed, including the property purchased on that day.

5. GENERAL REVENUE LAW APPLY AS TO DUTIES OF ASSESSORS.]

Ibid. SEC. 5. All the provisions of the general revenue laws of this state, so far as the same are applicable, concerning the levy and assessment of taxes for state and county purposes and the duties of assessors, shall be in force and apply to all cities in this state, unless in conflict with this act.

6. ASSESSMENT ROLL TO BE FILED—BOARD OF EQUALIZATION—DUTIES OF.] *Ibid.* SEC. 6.

When the assessor shall have completed the assessment of the taxable real and personal estate of said city he shall file the same in the city clerk's office; and the mayor, city clerk and assessor shall fix upon a day, not less than seven nor more than thirty days from the date of the filing of said assessment, for the hearing of objections to the assessment; and they shall give notice of the time and place of such hearing by written or printed notices, one to be posted in each ward in such city at least one week before the day fixed for such hearing, and by one insertion in a newspaper published in the city (if any there shall be) at least one week before the day fixed for such hearing; any person feeling aggrieved by the assessment of his property may appear at the time specified and make his objections.

7. OBJECTIONS MAY BE HEARD AND ASSESSMENT REVISED.] *Ibid.*

SEC. 7. The said mayor, city clerk and assessor, constituting the board of equalization, shall meet at the time and place designated to revise and correct the said assessments. They shall hear and consider all objections which may be made, and shall have power to make all proper corrections and supply omissions in the assessment, and, for the purpose of equalizing the same, to

alter, add to, take from, and otherwise correct and revise the same. They shall continue in session during three business hours of each and every secular day, for not less than three nor more than ten successive days, as the city council may direct. Thereafter no change, amendment or alteration shall be made, nor shall any tax or portion thereof be refunded. A majority of such board shall constitute a quorum.

8. FINAL TAX LIST—DUTY OF CLERK AS TO SAME—TO BE SIGNED.] *Ibid.* SEC. 8. When such revision has been completed, the same shall be deposited with the city clerk, who shall enter in a book or books, to be prepared for that purpose, a complete list of all the taxable real and personal estate in said city, according to the assessment as returned by said assessor, and revised by the board of equalization, showing, in a proper column, ruled for that purpose, the names of the different owners so far as they appear in said revised lists, and in another column the amount of the valuation in each case. Said book or books shall also have ruled therein an appropriate column for extending or inserting the amount of taxes which may be levied upon said property. Said book or books shall constitute the tax list of real and personal estate for such year. The clerk shall also add up the valuations in such list, and the aggregate amount thereof shall be entered by him at the foot of the appropriate column in the last page. When the said tax list shall have been so completed, it shall be signed by the mayor, city clerk and assessor, or a majority of them, and left in the custody of the city clerk.

9. TAXES, HOW TO BE LEVIED.] *Ibid.* SEC. 9. The city council shall thereupon, by ordinance or resolution, levy such sum or sums of money as may be necessary for the several purposes for which taxes are herein authorized to be levied, specifying the purpose for which the same are levied; but the aggregate amount of taxes levied for any one year shall not exceed the rate of three per cent. upon the aggregate assessed valuation of all property assessed.

10. CLERK TO COMPUTE AND EXTEND AS ONE TAX—WARRANTS TO BE ATTACHED TO TAX LIST.] *Ibid.* SEC. 10. It shall be the duty of the city clerk to estimate the several taxes levied by the common council, computing them together as one tax, and to insert the total amount of such taxes in the appropriate column of said tax lists opposite to the person or property chargeable therewith. When completed the city clerk shall attach to said tax list a warrant, under the corporate seal, signed by the mayor and city clerk, directed to the collector, commanding him to make, levy and collect, as the taxes of such year, the several sums of money set opposite to the real and personal estate or persons in said tax list mentioned or described, of the goods and chattels of the respective owners of such real and personal estate, which warrant shall designate the names and rates of the several taxes therein, and shall specify the aggregate amount of taxes to be collected, and shall also command the collector to collect the same, from the persons or property named in said list, according to law. Said tax list, with the warrant attached, shall be delivered to the collector by the city clerk, and shall constitute the only process necessary to be issued for the collection of the annual city taxes. The city clerk shall take a receipt from the collector for the said

tax lists, specifying the aggregate amount of taxes levied, and the respective amounts levied upon real estate and personal property.

11. COUNCIL MAY FIX DATE OF RETURN OF WARRANT.] *Ibid.* SEC.

11. The city council may, by resolution or ordinance, order and direct that a return of any warrant issued to the city collector shall be made at a time to be specified in such ordinance or resolution.

12. COLLECTOR—HIS DUTIES.] *Ibid.* SEC. 12. Upon the receipt of any warrant for the collection of the annual taxes, special taxes or any special assessment on real or personal property, the collector shall forthwith give ten days' notice, by publication in any newspaper published in said city, or, if no newspaper is published in said city, by posting written or printed notices in four public places in the city, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payment at his office. In the notice so to be published or posted, he shall notify all parties interested that after the expiration of thirty days from the date of receiving such warrant he will levy upon the personal property of all who shall have failed to pay; and at the end of thirty days, or as soon thereafter as may be, he shall so levy if personal property belonging to such delinquent person or persons can be found; and he shall be liable for their tax in case of neglecting so to do. Said taxes shall be a lien upon any property, real or personal, that such delinquents may have or may thereafter acquire until paid; and the collector or his successor in office may at any time thereafter levy and collect the same. But nothing in this section shall be so construed as to prevent the collector from levying at any time after the publication or posting of the ten days' notice above required.

13. COLLECTOR MAY APPOINT DEPUTIES.] *Ibid.* SEC. 13. The city collector may appoint such number of deputies as the city council may adjudge necessary. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or city clerk, or any member of the city council, or by any tax payer of said city. The collector shall weekly, or oftener if the city council so direct, pay over all the money collected by him from any person or persons or associations to the city treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the city comptroller, if there be one, and if there is no city comptroller, then in the office of the city clerk.

14. TAX A LIEN FROM MAY 1—OWNER ON THAT DAY LIABLE—TRANSFER NOT TO EFFECT LIEN—FEES OF COLLECTOR.] *Ibid.* SEC. 14. All taxes, general or special, and special assessments, levied by the city council, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said taxes, special taxes and assessments are paid. Every person owning real property on the first day of May, including all such property purchased on that day, shall be liable for the taxes thereon for that year. The city taxes shall also be a lien on the personal property of all persons owing taxes from and after the delivery to the collector of the warrant; and no sale or transfer of said property shall effect the lien, but the said property may be seized by the collector, wherever found, and removed, if necessary, and sold, to discharge the taxes of the person owing

the same; and the same proceedings may be resorted to by the collector upon any warrant issued for the collection of a special assessment or special tax. Upon such seizure of personal property, by such collector, he shall forthwith advertise and sell the same in the manner provided by law for sales by constables upon executions issued by justices of the peace, and the fees of the collector for making any levy and sale of property shall be the same as allowed to constables for levy and sale of property on execution, and the costs shall, in all cases, be collected out of the property of the person against whom the levy is made.

15. RETURN TO BE MADE.] *Ibid.* SEC. 15. It shall be the duty of the collector, within such time as the city council may, by ordinance, provide, to make a report (or return) in writing, to the general officer of the county authorized and designated by the general revenue law of this state to advertise and sell lands for taxes due the county and state, of all lands, town lots and real property on which he shall have been unable to collect taxes, special taxes and special assessments, with the amount of such taxes, special taxes and special assessments due and unpaid, respectively, thereon, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report or return shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the taxes, special taxes and special assessments, levied by authority of the city, remain due and unpaid; that he is unable to collect the same, or any part thereof, and that he has given the notice, required by law, that said warrants had been received by him for collection. Said report or return, when so made, shall be prima facie evidence that all the forms and requirements of the law in relation to making said report or return have been complied with, and that the taxes, special taxes and special assessments mentioned in said report or return are due and unpaid.*

16. DUTY OF COUNTY COLLECTOR ON RETURN MADE—SALE OF DELINQUENT PROPERTY—HOW MADE—PROCEEDING—APPEAL.] *Ibid.* SEC. 16. When said general officer shall receive the report or return, provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said general taxes, special taxes and special assessments remaining due and unpaid, in the same manner as may be by law provided for obtaining judgments against lands for taxes due and unpaid the county and state; and shall, in the same manner, proceed to sell the same for the said general taxes, special taxes and special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. And the city council may, by ordinance or resolution, fix and determine the term of the county court at which the said general officer shall apply for judgment against the said lots, parcels of land and property: *Provided*, there shall be but one sale in any one year for any general taxes, special taxes or special assessments levied by authority of such city, which sale may be at the same or a different time from

* See appendix "An act in relation to the collection of taxes and special assessments," approved May 2, 1873.

the sale for state and county taxes, as the city council may, by ordinance or resolution, provide. Upon any such application for judgment, the county court shall have like jurisdiction and powers, and like proceedings shall be had, as near as may be, as upon application for judgment for state and county taxes; and upon an appeal from the judgment of the county court, the like proceedings shall be had and the like jurisdiction and like powers shall be exercised by courts and officers as in case of appeals from the county court upon applications for judgments for state and county taxes: *Provided, however*, that no appeal shall be allowed from any judgment of the county court against any property returned as delinquent under this act, unless the party appealing from such judgment shall first give bond with two sureties, to be approved by the court, in a penalty at least double the amount of the judgment, interest and costs appealed from, conditioned that he will prosecute his appeal with effect, and in case of failure therein, pay and satisfy such city the amount of the judgment appealed from, with all damages, interest and costs which such city may have sustained by reason of such appeal, and upon the affirming of such judgment of the county court the supreme court shall render judgment for twenty per cent. for damages.

17. CITY COLLECTOR TO COLLECT UP TO TIME OF SALE.] *Ibid.* SEC. 17. The city collector shall have power to receive and collect any of the general taxes, special taxes or special assessments mentioned in said report up to the time of the actual sale of any such lot, parcel of land or property, and it shall be his duty forthwith to report the fact of such payment to the said general officer, who shall mark the same paid upon his books and upon said report (or return): *Provided, however*, the city collector may close his office for the payment of said taxes and assessment a sufficient length of time before the day fixed for the application for judgment to enable such general officer and city collector to compare and correct the reports of taxes and assessments paid, with the list of delinquent property returned to such general county officer.

18. CITY TREASURER TO ATTEND SALE AND RECEIVE MONEYS—FEES ON SALES.] *Ibid.* SEC. 18. It shall be the duty of the city treasurer to attend to such sale, and all moneys bid and paid at such sale for any such city taxes, special taxes or special assessments, shall be paid to the treasurer of such city, and no other person; and it shall be the duty of the city treasurer, upon the close of such sale, to make a report to the city comptroller, if there be one; if none, to the city clerk, specifying therein the lots, parcels of land and property upon the sale of which the same was received, and a description of the lots, parcels of land and property purchased by the city. The city council shall, by ordinance, provide for the payment of the expenses of such sale, and shall fix the compensation to said officer for making the sale, which shall be in lieu of all fees therefor: *Provided, however*, there shall be paid such general officer the same fees for advertising, making list for the printer and making out the delinquent list, and to the county clerk the like fees as provided to be paid for like services in regard to property delinquent for state and county taxes, which said fees or costs shall be extended and collected against the lots, land and real property, as in case of property delinquent for state and county taxes.

19. REDEMPTION ALLOWED.] *Ibid.* SEC. 19. After making said sales the record and list of lots, parcels of land and property sold thereat, shall remain in the hands of the clerk of the county court, and redemption shall be made as provided for by the general revenue law of the state.

20. PROVISIONS OF GENERAL REVENUE LAW TO APPLY.] *Ibid.* SEC. 20. All the provisions of the general revenue law of this state relating to the redemption or deeding of any property so sold, and the manner of obtaining a deed, and the effect of the same, shall be in full force and apply to all sales made in pursuance of this act.

21. PENALTY IF COLLECTOR ALLOWS PROPERTY TO BE SOLD, TAX BEING PAID.] *Ibid.* SEC. 21. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor, for any land or parcel of land, and afterwards return the same as unpaid to the general county officer authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for the amount of the face of the certificate, and fifty per cent. additional thereof, to be demanded within two years from the date of the sale, and recovered in any court having jurisdiction of the amount.

22. COUNCIL MAY ELECT TO RAISE MONEYS UNDER GENERAL REVENUE LAWS.] *Ibid.* SEC. 22. The city council of any city shall have power, at any time, in lieu of the mode herein provided for the assessment and collection of general city taxes, to, by resolution or ordinance, elect to certify to the county clerk the amount or amounts required to be raised by taxation upon the assessment of property for state and county taxes, and to collect the taxes for said city, in the manner provided for in the general revenue laws of this state, and in such case to abolish the office of the city assessor and the city collector: *Provided, however,* that nothing in this section contained shall be so construed as to prevent such corporation at any time thereafter from providing for the assessment and collection of taxes by ordinance, and in the manner in this act hereinbefore set forth.

23. TAX COMMISSIONER MAY BE APPOINTED—HIS POWERS.] *Ibid.* SEC. 23. The city council may, in their discretion, provide, by ordinance, for the appointment of a city tax commissioner, fix his term of office and salary, and confer upon him such powers, and provide for the performance of such duties by him as the city council may deem necessary and proper; and all the provisions of this act relating to the duties of the city clerk or the powers of the city clerk, in connection with the assessment of property, the equalization of such assessments, or the levy or collection of taxes, special taxes or special assessments, shall be exercised and performed by such city tax commissioner, if there be one appointed; and, to that end and purpose, wherever in this act heretofore the words "city clerk" or "clerk" are used, they shall be held to mean "city tax commissioner," and wherever the "city clerk's office" or "clerk's office" is referred to, it shall be held to mean "city tax commissioner's office," and the term "city council" shall be held to include the common council of any city.

CHAPTER 12.

THE POLICE DEPARTMENT.

SECTION.

1. Board of police, how constituted—Quorum.
2. Appointment of president and secretary—Secretary's salary.
3. Commissioner's oath of office—Bond.
4. Power and authority of the board—Power to construct telegraph lines.
5. General duties of the board.
6. Police organization—Superintendent and deputy may be removed for cause.
7. Power of board as to increase of the force—Sergeants limited to twenty.
8. Upon recommendation of board, common council may increase the force—Vote of two-thirds of all the aldermen elected necessary.
9. Power to make rules as to the regulation of force—Enumeration and distribution of duties—Mode of trial and removal from office, to be defined by rules of board—Qualifications of members of force—Promotions, how made—Suspension on charges.
10. When charges are proven, board may reduce officer in rank or dismiss him from force.
11. Superintendent may prefer charges without oath.
12. Board, or any member, may suspend until charges against officer or patrolman can be examined by board.
13. On conviction, board may sentence to reprimand, or forfeiture of pay not to exceed 30 days.
14. Complaints against police officers, by citizens—Trial—Appeal.
15. Salaries of officers and of patrolmen.
16. Commissioners' salaries—To devote their entire time to duties of office.
17. Salaries of captains and sergeants.
18. Board may employ clerks and fix their salaries.
19. Salaries, paid monthly—No policeman to receive presents, etc.
20. Police life insurance fund.
21. Disabled policemen, relief of.
22. Powers of police officers—Certain officers authorized to enter buildings or vessels to prevent felonies, or arrest felons—Power to serve process.
23. Detection and arrest of gamblers—May destroy gaming implements.
24. City to be divided into police precincts—Police stations—Superintendent to promulgate all regulations and orders.

SECTION.

25. Power to appoint special policemen.
26. Power to appoint patrolmen on request and at the expense of private persons—Special patrolmen.
27. One week's notice required of intention to withdraw from police force—No person removed to be re-appointed.
28. Disposition of stolen property—Books to be kept for entry of all complaints—Registry of stolen property—Record required to be kept.
29. Stolen property—How disposed of.
30. Accommodations for the detention of persons arrested to be provided at each station—Arrests to be reported—Special provisions respecting the detention and examination of persons arrested—Detention of witnesses—Special bail.
31. Police expenses made a city charge—Power to appoint police officers for the county, and for village and town authorities.
32. Board to furnish comptroller with an annual estimate of police expenses—Council authorized to revise the same—The police fund to be raised by general tax.
33. Police fund, how disbursed.
34. Authority of the board to incur expense limited—Accounts subject to inspection.
35. Duty of the board to enforce city ordinances—Power to issue subpoenas and administer oaths—May compel the attendance of witnesses.
36. Security to be taken from certain police officers—Oath of office.
37. Superintendent to make quarterly reports—The board to make an annual report to common council.
38. Board to have control of fire arms and military equipments.
39. All city officers exempt from military and jury duty and from arrest on civil process while in discharge of duty.
40. Penalty for assaulting elector on election day and police officers when on duty—For neglecting to arrest offenders, and for fraudulently pretending to be a police officer.
41. Assuming to act as policeman—Penalty.
42. Special policemen to wear badges—Penalty.
43. Not being member of police force, penalty for wearing star.
44. Certain acts repealed.

1. BOARD OF POLICE ESTABLISHED.] *Act February 13, 1863, chap. 10.*
 SECTION 1. There is hereby established an executive department of the municipal government of said city to be known as the board of police. Said

board shall consist of three commissioners, in addition to the mayor,* who shall be ex-officio a member thereof, to be chosen in the manner hereinbefore prescribed;† and a majority of said board shall constitute a quorum for the transaction of business.

2. PRESIDENT AND SECRETARY ELECTED.] *Ibid.* SEC. 2. The said board shall appoint one of their own number to act as president, and some other person to act as secretary; and the secretary shall receive such annual salary as may be determined upon by the board of police.

3. OATH OF COMMISSIONERS—BOND.] *Ibid.* SEC. 3. Before entering on the duties of their office, said commissioners shall take an oath to obey the constitution and laws of this state, and faithfully to perform the duties of their said office, the certificate of which oath shall be filed in the office of the city clerk. Each of said commissioners, before entering on the duties of his office, shall also give a bond to said city in the sum of twenty-five thousand dollars, with sureties to the satisfaction of the judge of the circuit court of Cook county, conditioned for the faithful discharge and performance of his duties as such commissioner, and that he will well and truly account for, and pay over, any and all moneys, and surrender any and all property, books and papers, which may come into his hands as such commissioner, on the expiration or other termination of his term of office.

4. GENERAL POWERS OF BOARD—TELEGRAPH LINES.] *Ibid.* SEC. 4. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have power to erect and maintain, under the general laws of the state relating to telegraph lines, all such lines of telegraph in such places within the said city, as for purposes of police, the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines.‡

5. GENERAL DUTIES OF BOARD—PURSUIT OF CRIMINALS.] *Ibid.* SEC. 5. It shall be the duty of the board of police, hereby constituted, at all times of the day and night, within the boundaries of the said city of Chicago, to preserve the public peace, to prevent crime and arrest offenders, to protect rights of person and property, to guard the public health, to preserve order, to remove nuisances existing in public streets, roads, places and highways, to provide a proper police force at every fire, in order that thereby the firemen and property may be protected, to protect strangers and travelers at steamboat and ship landings, and railway stations, and to obey and enforce all ordinances of the common council within the city which are applicable to police or health.§ Whenever any crime shall be committed in said city, or within the county of Cook, and the person or persons, accused or suspected of being guilty, shall flee from justice, the said board of police may, in their discretion, authorize any person or persons to pursue and arrest such

* Mayor no longer member of board of police; *ante*, chapter 2, section 13.

† *Ante*, chapter 2, sections 15 and 16, and chapter 3, section 3.

‡ Power to control fire department; see *post*, chapter 14; also, ordinance, page 102.

§ Ordinance as to "police department," *ante*, page 100, as to "health department," *ante*, page 48.

accused or suspected person or persons, and return them to the proper criminal court, having jurisdiction of the offense, for trial.

6. POLICE ORGANIZATION—SUPERINTENDENT AND DEPUTY MAY BE REMOVED FOR CAUSE.] *Act February 16, 1865. SEC. 15.* The duties of the police force shall be executed under the direction and control of said board, and according to rules and regulations, which it is hereby authorized to pass from time to time, for the more proper government and discipline of its subordinate officers and the police force of said city. The said force shall consist of a general superintendent of police, one deputy superintendent of police, three captains of police, sergeants of police not exceeding twelve, and as many police patrolmen, not exceeding two hundred, as may be authorized by the common council, on the application of the board of police commissioners, and each patrolman so appointed shall hold office only during such time as he shall faithfully observe and execute all the rules and regulations of said board, the laws of the state, and the ordinances of the city: *Provided*, that for incompetency, neglect of duty, or other sufficient cause, the said board may at any time remove the superintendent and deputy superintendent of police, or the fire marshal and assistant marshals.

7. POWER AS TO INCREASE OF FORCE.] *Act March 9, 1867, chap. 3. SEC. 1.* The board of police, in their annual estimate of police expenses made to the city comptroller, shall, if in their judgment the public weal requires it, recommend to the common council such additional police patrolmen, and also such additional sergeants, not exceeding twenty, as may be necessary.

8. COMMON COUNCIL MAY INCREASE FORCE.] *Ibid. SEC. 2.* The common council may, on such recommendation of said board, provide by ordinance for such increase of the patrol force: *Provided, however*, it shall require three-fourths of all the aldermen elected to pass such ordinance, such vote to be taken by ayes and noes and entered on the records of the council.

9. REGULATIONS—QUALIFICATIONS—REMOVALS—PROMOTIONS.] *Act February 16, 1865. SEC. 16.* The qualifications, enumeration and distribution of duties, mode of trial and removal from office, of each officer of said police force, shall be particularly defined and described by rules and regulations of the board of police; nor shall any person be appointed to, or hold office on, the police force aforesaid, who is not a citizen of the United States, or who shall not have resided within the state of Illinois two years next preceding his appointment, or who shall ever have been convicted of crime; and provided that no person shall be removed therefrom except upon written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him: * *And provided*, that whenever any vacancy shall occur in the office of captain of police, the same shall be filled by an appointment from among the

* *Post*; section 12.

persons then in office as sergeants of police, and a like vacancy in the office of sergeant of police, shall be filled by appointment from among persons then in office as police patrolmen.

10. CHARGES—POWER TO REDUCE IN RANK.] *Act March 15, 1869.*
SEC. 1. The board of police, when charges of incompetency, lack of energy or judgment, are preferred and proven against any police officer holding any position above the grade of patrolman, may, in their discretion, reduce such officer to any lower position upon the police force which they may deem the said police officer competent to fill; but otherwise, when either of said charges are proven against such officer, he shall be discharged from the police force.*

11. SUPERINTENDENT MAY PREFER CHARGES WITHOUT OATH.] *Ibid.*
SEC. 2. The superintendent of police, or the acting superintendent of police, may prefer written charges, without oath, before the board of police for any violation of the police rules, regulations or orders, against any police officer or patrolman upon the regular police force, upon his own knowledge, or upon written information communicated to him by any member of the police department.

12. SUSPENSION FROM DUTY.] *Ibid.* **SEC. 3.** During the pending of charges against any police officer or patrolman upon the police force, the board of police, or any member of said board, may suspend from duty any such officer or patrolman until such charges can be examined by the board of police.†

13. CONVICTION—POWER OF BOARD.] *Ibid.* **SEC. 4.** In case any police officer or patrolman upon the regular police force shall have been proven guilty of any violation of the rules, regulations or orders of the board of police, the said board shall, by order, subject such officer or patrolman to reprimand, forfeiture of pay due, or to become due, for a time not exceeding thirty days.

14. CITIZEN MAY PREFER CHARGES—TRIALS—APPEALS.] *Act February 13, 1863, chap. 10.* **SEC. 9.** Any citizen of Chicago, with a view to the trial and suspension or removal from office of any officer or policeman of the police, may, on oath in writing, prefer or make, before the board, charges or complaint touching the character and competency, or affecting the acts, conduct or omissions of such officer or policeman, or for violation of, or misconduct as defined and prescribed by the rules and regulations of the board: and said board, after reasonable notice, not exceeding ten days, to the person charged, shall proceed to the trial of said officer or policeman on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the president of the board, to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purposes of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. The party complaining, or person charged, feeling aggrieved by any such order, may at once, on giving bond to the president of the board, with security to be ap-

* *Ante*, chapter 3, section 3.

† *Ante*, section 9.

proved by him or the board, conditioned for the payment of accrued and accruing costs, appeal from the order or finding of the board to any court of record of Cook county (except the county court), which said court shall proceed to the trial of said complaint as speedily as may be, and in preference to other cases, and make such final order in the case as equity and justice shall require; and said order shall be final and conclusive, without further appeal. If, on such trial, said charges or complaint shall be sustained, such officer or policeman shall pay the costs of such proceeding, and the same may be deducted and withheld from his pay, and, in case of his suspension, his pay shall also cease from the date of the charge and during the period of suspension. If such complaint shall be dismissed or not sustained, then the person making the same shall pay all costs. In trials under this section, the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board and order for execution, said costs, when collected, to be paid to the treasurer of the board, for the benefit of those concerned. But the said board shall not tax or receive any fees for themselves or for any member thereof.

15. SALARIES OF OFFICERS AND POLICEMEN.] *Act March 9, 1867, chap. 3. SEC. 3.* The board of police commissioners shall devote their entire time, if requisite, to the duties of their office and shall receive an annual salary of not less than twenty-five hundred dollars, to be fixed by the common council.* The superintendent of police shall receive an annual salary of not less than three thousand dollars. The deputy superintendent shall receive an annual salary of not less than twenty-five hundred dollars. Each captain of police shall receive an annual salary of not less than fifteen hundred dollars per annum. Each sergeant† and policeman detailed as detectives shall receive an annual salary of not less than twelve hundred dollars. Each patrolman shall receive an annual salary of not less than eight hundred dollars nor more than one thousand dollars, the amount to be fixed by the board of police commissioners, with the concurrence of the common council. Said salaries so to be fixed, shall not be in any wise increased or diminished during the municipal year.

16. COMMISSIONERS' SALARY—DUTY.] *Act March 10, 1869. SEC. 15.* The police commissioners of said city shall hereafter devote their entire time and attention to the duties of their office, and shall respectively receive an annual salary of three thousand dollars.‡

17. CAPTAINS' AND SERGEANTS' SALARIES.] *Act March 15, 1869. SEC. 7.* Each captain of police shall receive an annual salary of two thousand dollars, and each sergeant of police shall receive an annual salary of fifteen hundred dollars.§

18. CLERK'S SALARY.] *Act March 9, 1867, chap. 3. SEC. 4.* The board of police commissioners may employ necessary clerks, and fix their annual salary, to be paid out of the police fund.

* See *infra*, section 16.

† *Infra*, section 17.

‡ See *ante*, chapter 3, section 35, page 400.

§ See note to section 17, *ante*.

19. SALARIES HOW PAID—NO MEMBER OF FORCE TO RECEIVE PRESENTS, ETC.] *Act February 16, 1865.* SEC. 14. The salaries shall be paid out of the city treasury, monthly, to each person entitled thereto. No member of the board of police, or of the police force, shall receive or share in, for his own benefit, under any pretense whatever, any present, fee, gift or emolument, for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of police; nor shall any such member receive or share in any fee, gift or reward, from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate; or any fee, gift or reward, in any case, from any attorney at law, who may prosecute or defend any person arrested or prosecuted for any offense within the county of Cook; nor shall any such member directly or indirectly interest himself, or interfere, in any manner whatever, in the employment or retainer of any attorney to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the officer so offending shall be immediately removed from office.

20. POLICE LIFE INSURANCE FUND.] *Act February 13, 1863, chap. 10.* SEC. 10. All rewards, fees, proceeds of gifts and emoluments, that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund, to be called the "Police Life and Health Insurance Fund;" and the persons who shall, from time to time, fill the office of president of the board of police and that of the comptroller of the city of Chicago, are hereby declared the trustees of the said fund, and may invest the same as they shall see fit, either in whole or in part.

21. DISABLED POLICE—RELIEF OF.] *Ibid.* SEC. 11. Whenever any member of the police force, in actual performance of his duty and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses during the time his disability as aforesaid continues, may become a charge upon the fund provided for in the preceding section, at the discretion of said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon the said fund is correct, may order the same to be paid by the draft of the said trustees upon the said fund, each writing his signature thereto. But the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

22. POWERS OF POLICEMEN TO ENTER BUILDINGS, ETC.—TAKE CHARGE OF STOLEN PROPERTY—SERVE PROCESS.] *Ibid.* SEC. 12. The members of the police force of the said city of Chicago, shall possess, in every part of the county of Cook, all the common law and statutory powers of constables, except for the service of civil process, and any warrant for search or arrest, by any magistrate of the state of Illinois, may be executed in any part of the county of Cook, by any member of the police force of the said city of Chicago without any backing or indorsement of the said warrant, and according

to the terms thereof. The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony has been, or is being, or is about to be committed within any building, or on board of any ship, boat or vessel within the said city of Chicago or county of Cook, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention or detection of all felonies, and may take, then and there, into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force may also serve or execute any process, civil or criminal, issued by the police court of said city, or either of the justices thereof.

23. POWER AS TO GAMBLING HOUSES—MAY DESTROY GAMING IMPLEMENTS.] *Ibid.* SEC. 13. If the superintendent of police shall report in writing to the board of police that there are good grounds for believing any house or room within the said city of Chicago is kept or used as a common gaming house or cock-pit, and if two or more householders dwelling within the said city, and not belonging to the police force, shall make oath in writing before any one of the commissioners of police, to be annexed to said report (which oath every commissioner of police is hereby empowered to administer, receive and subscribe), that the premises complained of by the superintendent are commonly reported, and are believed by the deponents to be kept as a common gaming house or cock-pit, it shall be lawful for any commissioner of police, by order in writing, to authorize the superintendent, or the deputy superintendent of police, to enter upon such premises, taking with him or them such members of the patrol force as shall be necessary, and, if necessary, to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and the said superintendent shall be authorized to take into custody all persons who shall be found therein, and to destroy all implements of gaming found therein, and shall forthwith convey the person or persons found therein before one of the police justices in said city, who shall forthwith proceed to hear the proof, and if there be probable cause for believing that such person or persons have been guilty of any crime or misdemeanor, then the said magistrate shall forthwith order such person or persons to find good bail, with two householders of said city of Chicago as his or their sureties, conditioned for his or their appearance at the proper criminal court, to answer any indictment which may be found; and in default thereof, such magistrate shall commit such person or persons to the county jail.

24. POLICE PRECINCTS AND STATIONS—ORDERS, HOW GIVEN BY BOARD—CHIEF OF POLICE.] *Ibid.* SEC. 14. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Chicago into precincts, without regard to ward boundaries, and to assign captains of police, and sergeants of police, to each of said precincts, as they shall deem for the best interest of said city. The board may, from time to time, establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police, and it shall be the duty of the police

force to respect and obey the said superintendent, as the head and chief of the same, subject to the rules and regulations and general orders of the board.

25. SPECIAL POLICEMEN—APPOINTMENT OF.] *Ibid.* SEC. 15. The said board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special policemen :* *Provided*, such special policemen shall not be paid for their services as policemen out of the city treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

26. POWER TO APPOINT SPECIAL PATROLMEN—CITIZENS APPOINTED IN CASE OF RIOT, ETC.] *Ibid.* SEC. 16. The board of police, whenever it may see fit, shall, on the application of any person or persons showing the necessity thereof, appoint and swear any number of additional patrolmen to do duty at any place within the city of Chicago, at the charge and expense of the person or persons by whom the application shall be made, and the patrolmen so appointed shall be subject to the orders of the board of police, and shall obey the rules and regulations of the board, and conform to its general discipline and to such other special regulations as may be made, and shall wear such dress or emblem as the board may direct, and shall, during the term of their holding appointment, possess all the powers, privileges and duties of the patrol force herein prescribed. The persons so appointed may be removed at any time by the board of police, without assigning cause therefor. The board of police may also, upon any emergency or riot, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among the citizens of Chicago as it may deem advisable, and for a specified time, and during the term of service of any such special patrolmen, they shall possess all the powers and privileges and perform all the duties of patrolmen of the standing police force of the city.†

27. NOTICE OF INTENT TO RESIGN—REMOVED, NOT TO BE RE-APPOINTED.] *Ibid.* SEC. 17. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the superintendent of police ; and no person, who shall ever have been removed from the police force established by this act, for cause, shall be re-appointed by the board of police to any office in the said police force.

28. STOLEN PROPERTY, HOW DISPOSED OF—REGISTER TO BE KEPT—DUTIES OF CUSTODIAN.] *Ibid.* SEC. 18. All stolen or other property, taken by the members of the police force, shall be deposited and kept in a place and by a person to be designated by the board of police ; and in case of the neglect or refusal of any officer to so deposit the property taken or found upon the possession of any person or persons arrested, he shall be subject to indictment, and be fined in a sum not exceeding three thousand dollars, and in no case less than the value of the property, and be imprisoned in the

* *Post*, section 42.

† *Post*, chapter 14, section 8.

county jail not to exceed one year, and the sentence of the court in such cases, ipso facto, shall vacate the office of the person so convicted. Every such article of property shall be entered in a book, kept for the purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same. An inventory of all money or other property shall be given to the party from whom the same was taken; and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom the same was taken, and to no other person, either attorney, agent, factor or clerk. In case said money or property shall, within said ten days, be claimed by any other person or persons, it shall be retained by such custodian, until after the discharge or conviction of the person from whom the same was taken; and if such claimant or claimants shall establish to the satisfaction of the committing magistrate, that he or they are the rightful owners, the same shall be restored to him or them, unless otherwise directed by the higher court; otherwise, it shall be returned to the accused personally, and not to any attorney, agent, factor or clerk of such accused person, after all liens or claims against the same have first been discharged and satisfied. The board of police shall also cause to be kept general complaint books, in which shall be entered every complaint, preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public and of the police force of the city. It shall also cause to be kept books of records, wherein shall be entered the name of every member of the police force, with his time and place of nativity, the time and place when he became a citizen (if he was born out of the United States), his age, his former occupation, number of family, and the residence thereof, the date of appointment or dismissal from office, with the cause of the latter, and in every such record, sufficient space shall be left against all such entries, wherein to make record of the number of arrests made by such members of the police force, or of any special services deemed meritorious by the captains of police. It shall also cause to be kept in proper books, the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all the expenses of the police department. The board of police shall also cause to be kept, and bound, all police returns and reports.

29. STOLEN PROPERTY, HOW SOLD.] *Act March 9, 1867, chap. 3.*
SEC. 5. It shall be lawful for the person designated by the board as the custodian or depositary of stolen property, to sell the same, after due notice, at public auction, under and pursuant to such general orders and regulations as the board of police shall prescribe. The proceeds of such sales, after deducting the cost of storage, advertising, selling, and, in cases of animals, their keeping, shall be paid over to the president of said board, to be by him paid into the city treasury, to the credit of the police life and health insurance fund, as already provided by law.

30. ACCOMMODATIONS FOR PERSONS ARRESTED AND WITNESSES—ARRESTS TO BE REPORTED—SPECIAL BAIL.] *Act February 13, 1863, chap. 10.* SEC. 19. It shall be the duty of the board of police to provide, at the expense of said city, all necessary accommodations, within such precincts as shall be contained within the boundaries of said city, for the station houses required by the board of police for the accommodation of the police force of such precincts, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. It shall also be the duty of said board of police to furnish the same suitably, and to warm and light the same by day and night; and in every case of arrest, the same shall be made known to the captain upon duty in the precinct wherein such arrest was made, by the person making the same, and it shall be the duty of the said captain, as soon as practicable after such notice, to make written return thereof according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force, shall be detained, while in their custody, only in the place or places provided for that purpose; and no trial or examination of any person arrested, shall be held in the office of the superintendent of the police or of the board. Necessary and usual articles of clothing or personal apparel on the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city, for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in premises other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police, charged with the violation of any city ordinance, shall be entitled to give special bail for his appearance to answer such charge; but no member of the police force shall become, or furnish bail for any person arrested.

31. POLICE EXPENSES A CITY CHARGE—POLICEMEN FOR COUNTY, ETC.—SUPERVISORS LEVY TAX FOR.] *Ibid.* SEC. 20. The necessary expenses incurred in the execution of criminal process, and the maintenance of the police department, hereby created within the said city of Chicago, shall be a city charge. The board of supervisors of Cook county, assembled, may call upon the board of police to appoint for duty within the said county, as many men as it shall enumerate and describe, upon appropriating to the police fund the necessary expenses and salaries to be incurred thereby. Any of the village or town authorities within the said county, may also make such demand upon the board of police, upon making the like provisions of pay, and it shall be the duty of the board of police to appoint such officers, who shall thereafter become regular members of the police force of the city of Chicago, and subject to all the rules and regulations of the board, discharge the duties and possess powers and privileges as such members. The super-

visors of the county of Cook are hereby authorized, from time to time, to levy and raise by tax, upon the real and personal property taxable within said county, such sum or sums of money as may be required to carry into effect the provisions of this section, or the police purposes of this act.*

32. ANNUAL ESTIMATE OF EXPENSE—TO BE RAISED BY TAXATION.] *Ibid.* SEC. 21. It shall be the duty of the board of police to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid, by the comptroller, before the common council, with his annual estimate. The common council may revise said estimate, and the aggregate amount of the sums required, after such revision, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the police fund, and shall be drawn out therefrom, for police purposes, under the fiscal regulations established by this act.†

33. POLICE FUND, HOW DISBURSED.] *Ibid.* SEC. 22. All moneys hereafter to be paid to any person or persons out of the police fund, shall be certified by the president, or acting president, of the board of police to the comptroller, who shall draw his warrant on the treasurer therefor, stating therein the fund to which the same is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president, or, in his absence, by the acting president of the board of police and the mayor.‡

34. POWER TO INCUR EXPENSES LIMITED—BOOKS SUBJECT TO INSPECTION.] *Ibid.* SEC. 23. No expense, other than salaries and pay herein provided, shall be incurred by the board of police, except for rents, stationery, printing, advertising, fuel and light, unless the same shall be expressly authorized, and provision therefor made, as a separate county or city charge, by the board of supervisors for the county of Cook, or the common council of the city of Chicago, within which the expenditure becomes necessary. The books and accounts kept by said board shall be at all times subject to the inspection of the mayor and comptroller; and the common council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the police department.

35. BOARD TO ENFORCE CITY ORDINANCES—POWERS AS TO SUBPOENAS AND WITNESSES.] *Ibid.* SEC. 24. The board of police shall at all times cause the ordinances of the city to be properly enforced; and it shall be the duty of said board, at all times, whenever consistent with the rules and regulations of the board and with the requirements of this chapter, to furnish all information desired, and comply with all the requests made by the common council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquility. The board of police shall have the power to issue subpoenas, tested in the name of its president, to compel before it the attendance of witnesses upon any pro-

* Board of supervisors superseded by board of county commissioners; article 10, section 7, constitution of 1870.

† See *post*, chapter 14, section 9.

‡ Repealed as to countersigning; *ante*, chapter 6, section 34.

ceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under the said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

36. SECURITY TO BE GIVEN BY OFFICERS—OATH OF OFFICE.] *Ibid.* SEC. 25. The board of police shall require and make suitable provisions respecting security to be entered into by the superintendent and deputy superintendent of police, and by the captains of police, and for the taking, by members of the police force, of an oath of office, and the registry of the certificate of the same in a book to be kept for that purpose by the board, which oath of office may be taken before any commissioner of police, who is hereby empowered to administer and receive the same.

37. REPORTS BY SUPERINTENDENT—ANNUAL REPORT OF BOARD.] *Ibid.* SEC. 26. The superintendent of police shall make, to the board, quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the improvement of the police government and discipline. The board of police shall, on or before the first Monday in April, in each year, report, in writing, the condition of the police within the said city, to the common council.

38. CONTROL OF MILITARY EQUIPMENTS.] *Act February 16, 1865.* SEC. 21. All fire-arms and military equipments belonging to said city shall be under the custody and control of the said board of police.

39. EXEMPT FROM MILITARY AND JURY DUTY.] *Act February 13, 1863, chap. 10.* SEC. 27. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process, while actually on duty.

40. PENALTY, ASSAULTING ELECTOR OR POLICE OFFICER.] *Ibid.* SEC. 28. It shall be a misdemeanor, punishable by imprisonment in the county jail, not less than one year nor exceeding two years, for any person, without justifiable or excusable cause, to use personal violence upon any elector in said city of Chicago while attending the polls upon any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any such member to neglect making any arrest for an offense against the law of the state, committed in his presence, or for any person, not a member of the police force, to falsely represent himself as being such member with a fraudulent design.

41. ASSUMING POLICE POWER—PENALTY.] *Act March 15, 1869.*

SEC. 5. It shall be a misdemeanor, punishable by a fine of not less than fifty nor exceeding one hundred dollars, for any person not holding an appointment from the board of police, either as regular or special policeman, to assume to act as a policeman in any capacity within the city of Chicago.

42. SPECIAL POLICE—BADGES—PENALTY.] *Ibid.* SEC. 6. No person, not a member of the regular police force of the city of Chicago, and not being in the employ of said city, shall act as a special policeman, without wearing such badge and uniform as the board of police shall prescribe, under a penalty of not less than fifty nor more than one hundred dollars.*

43. PENALTY, UNLAWFULLY WEARING STAR.] *Act March 9, 1867, chap. 3.* SEC. 6. It shall be unlawful for any person other than a police officer or patrolman to wear a star, or other similar device, like that of a policeman, under penalty of not less than twenty-five dollars nor exceeding one hundred dollars.†

44. REPEAL OF INCONSISTENT LAWS.] *Act February 13, 1863, chap. 10.* SEC. 36. All acts and parts of acts inconsistent with the provisions of this chapter [chapter 10, act February 13, 1863,] are hereby repealed, together with all the modes and qualifications of appointment to office as members of the police department or of elections to office therein, inconsistent with the provisions hereof.

CHAPTER 13.

THE POLICE COURT.

SECTION.

1. Justices of the peace to be designated by the council to hold a police court.
2. Daily sessions to be held—Power of justices to fine or imprison.
3. Council may provide for police court in each division—Deputy clerks may be appointed therefor—Change of venue.
4. Appeals may be taken from judgments of police justices.
5. Execution to issue on rendition of judgment—When body of defendant may be taken—Imprisonment for non-payment.
6. All suits in behalf of the city to be brought in corporate name.
7. The first process shall be a summons—When warrant may issue.
8. Penalties not to be remitted, unless by two-thirds vote of the council—Mayor authorized to release prisoners committed to bridewell.
9. Salary of police justices—All fees to be paid into city treasury.

SECTION.

10. Election of police court clerk—Oath of office and bond—Salary—Power to administer oaths and appoint deputies.
11. When clerk's office vacant, the court may appoint ad interim.
12. Duties of clerk.
13. Witness fees, when to be taxed—How paid.
14. Clerk to prosecute in absence of city attorney—Police officers prohibited from conducting prosecution.
15. Clerk to make daily reports to comptroller—Moneys received to be paid over daily.
16. In case of failure to make report and pay over moneys, clerk to be removed.
17. Council authorized to provide for the appointment of prosecuting attorney—Duties of said attorney.
18. Clerk and attorney to perform such other duties as council may prescribe.
19. Sessions of the court to be held only in one place—Court room not to be changed without a vote of the council.

1. JUSTICES OF PEACE TO BE DESIGNATED TO HOLD.] *Act February 13,*

* *Ante*, section 25.

† *Ante*, section 25.

1863, *chap. 11*. SECTION 1. The common council shall, in the month of May next after the commencement of the ensuing municipal year, and biennially thereafter, designate two or more justices of the peace in said city, who shall have exclusive jurisdiction, as justices of the peace, for two years, or until their successors shall be appointed, in all actions for the recovery of any fine or penalty under the laws of said city, and all ordinances, by-laws or police regulations thereof. Should any vacancy occur, it shall be filled by the common council, but the person so appointed shall serve for the unexpired term only.*

2. DAILY SESSIONS TO BE HELD.] *Ibid.* SEC. 2. The said justices of the peace so designated shall be styled police justices, and shall hold a police court in said city. One of them shall hold a session of said police court daily (Sundays excepted), in such place as the said common council may provide and appoint,† until the business before them or him is disposed of. Said justices shall have power to fine or imprison, or both, in their discretion, where discretion may be vested in them by the ordinance or regulation or by this act.

3. COURT IN EACH DIVISION—DEPUTY CLERKS—CHANGE OF VENUE.] *Act February 16, 1865.* SEC. 3. The common council shall have power to provide for the holding of a police court in each division of said city; to designate a justice of the peace to hold each of said courts; to fix places for holding them, and to provide for the appointment of a sufficient number of deputy police court clerks for the same.‡ Changes of venue from a justice of a police court, shall be taken to some other justice of a police court.

4. RIGHT OF APPEAL.] *Act February 13, 1863, chap. 11.* SEC. 4. Appeals and changes of venue shall be allowed and may be taken from police justices, in all cases, in the same manner as before other justices of the peace.§

5. EXECUTIONS WHEN TO ISSUE—WHEN DEFENDANT MAY BE IMPRISONED.] *Ibid.* SEC. 3. Execution may be issued immediately on the rendition of judgment. If the defendant in any such action have no goods or chattels, lands or tenements, whereof the judgment can be collected, the execution shall require the defendant to be imprisoned in close custody in the jail of Cook county, or bridewell, or house of correction, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section, shall be confined one day for each fifty cents of such judgment and costs. All expenses incurred in prosecuting for the recovery of any penalty or forfeiture, when collected, shall be paid to the treasurer for the use of the city.

6. SUITS IN THE CORPORATE NAME—LAWFUL TO DECLARE IN DEBT.] *Ibid.* SEC. 5. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, by-laws, or police regulations made in pursuance of it, shall be brought in the corporate name. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating

* *Post*, section 3 and *ante*, chapter 2, section 6.

† See next section (3)

‡ As to clerk, see *infra*, section 10; ordinance, location of courts, page 97 *ante*.

§ Venue to be changed to some other police justice, *ante*, section 3.

the clause of this act, or the by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

7. FIRST PROCESS, SUMMONS—WARRANT, WHEN TO ISSUE.] *Ibid.* SEC. 6. In all prosecutions for any violation of any ordinance, by-law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

8. REMISSION OF FINES—MAYOR MAY RELEASE FROM HOUSE OF CORRECTION.] *Ibid.* SEC. 7. Neither the mayor or common council shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said city, unless two-thirds of all the aldermen authorized to be elected, shall vote for such release or remission; but the mayor shall be authorized, in his discretion to release from imprisonment any person committed to the bridewell or house of correction, or county jail, for a violation of the ordinances of said city, by virtue of the judgment of said police court.

9. SALARY OF POLICE JUSTICES—FEES TO BE RELINQUISHED AND PAID INTO TREASURY.] *Ibid.* SEC. 8. The said justices shall be compensated by salary, to be fixed by the common council, for doing the business of said police court, in lieu of all other compensation or fees whatever accruing from the business to be disposed of; and the said justices, so designated, shall not enter upon their duties, nor be appointed to hold such court, as justices of the peace aforesaid, unless they first sign and execute an express relinquishment in writing in favor of the city, of all other fees, emoluments or compensation whatever, than what may be provided by a salary to be fixed as aforesaid by the common council; and such express relinquishment shall be filed in the comptroller's office; and all justices' fees and costs collected in all actions brought for said city, under the city charter, shall be paid into the city treasury as other revenue of the city.

10. CLERK TO BE ELECTED—SALARY—POWERS OF—MAY APPOINT DEPUTIES.] *Ibid.* SEC. 9. There shall be elected by the people at the next municipal election, and biennially thereafter, one "police court clerk," who shall hold his office for two years, and until his successor is elected and qualified.* He shall take an oath, the same as other officers elected under this act, and shall execute a bond with sufficient security to the city, to be approved by the common council.† He shall receive a fixed salary for his services, the amount thereof to be determined by the common council. He shall have power to administer oaths, and appoint deputies when, in the opinion of the common council, it may be necessary; in which case, said deputies shall be nominated by said clerk and approved by the common council, and the common council may prescribe the duties and fix the compensation of such deputies.‡

11. VACANCY IN OFFICE OF CLERK—COURT MAY APPOINT CLERK AD INTERIM.] *Ibid.* SEC. 10. In case of the temporary inability or absence of the clerk, or in case of a vacancy in said office, and when there is no dep-

* *Ante*, chapter 2, section 6.

† *Ante*, chapter 2, section 25; chapter 3, section 1.

‡ *Ante*, section 3.

uty, the police court may appoint some competent person to discharge ~~the~~ duties of the office, until the vacancy is filled or ceases.

12. DUTIES OF CLERK.] *Ibid.* SEC. 11. The duties of the police court clerk shall be to keep a full, detailed and complete account, on ~~his~~ docket, of all cases and persons arrested and brought before the police court; how tried and disposed of; the number of cases disposed of; the cases in which moneys have been collected; and the cases in which money is to be collected; the amount of all forfeitures, penalties and fines assessed, or the punishment fixed in each case, with the fees and costs accrued and accruing thereon; and to collect, prosecute and receive payment of all such fees, fines, penalties and forfeitures, and all judgments and executions, and all moneys whatever accruing, or to be paid in for the use of said city, from the enforcement of any of the laws thereof, and forthwith to pay over the same to the treasurer of said city.

13. WITNESS FEES WHEN TO BE TAXED—TO BE PAID INTO TREASURY.] *Ibid.* SEC. 12. Witness fees in all cases in the police court, in which the city is a party, shall be taxed and collected only when demanded or claimed by the witness at the time of trial; and no witness shall be allowed more than one fee for any one day's attendance, nor shall any witness fee be taxed, in any case, in favor of any member of the police force. All witness fees, when collected, shall be paid into the city treasury for the benefit of such witnesses. It shall be the duty of the clerk to deliver to each witness, who is entitled to receive from the city any witness fee, a certificate thereof, showing the name of such witness, the suit in which he testified, and the amount to which he is entitled. The comptroller shall draw his warrant on the treasurer, on presentation of said certificate, in favor of the party entitled to such fee, provided the same be presented within one week after the filing of the daily report, referring to said certificate, hereinafter required from the clerk of said court.

14. CLERK TO PROSECUTE WHEN.] *Ibid.* SEC. 13. It shall be the duty of the police court clerk to see that all cases are properly prosecuted before said police court, in the absence of the city attorney, and no police officer shall conduct any prosecution. He shall take care that said fines, penalties, forfeitures, fees, judgments and executions are collected in all cases as speedily as may be, and the police justices shall, so far as is possible, aid said clerk in the collection thereof.

15. CLERK TO REPORT DAILY—PAY OVER MONEYS DAILY.] *Ibid.* SEC. 14. The said police court clerk shall, at the close of every day, make a written report to the comptroller, containing the name and number of each case disposed of during the day, in which the city is a party, and its final disposition; the names of all witnesses in each case, to whom certificates for witness fees have been issued, with the amount of each fee; and also the amount of all such fines, fees, penalties and forfeitures as he may have collected during said day. He shall also specify in his said report, the number of cases pending; the number of cases in which any fine, forfeiture or penalty has been inflicted, and the amount thereof; and also the amount of moneys outstanding to be collected in such cases, and the state of each case.

respectively; and, upon making each and every such statement, he shall verify the same by oath taken before some competent officer, that such statement is a full, fair and complete statement of the moneys received and collected by him during said day, and of all matters required by law to be embraced in said report. He shall also pay over to the city treasurer, at the close of every day, all moneys received and collected by him as such clerk, and shall file his receipt therefor with the said comptroller.

16. FAILURE TO REPORT AND PAY OVER—PENALTY.] *Ibid.* SEC. 15. In case of the failure of such clerk to make such report and pay over said moneys daily, as herein required, a notice shall be served on him by the comptroller, that, within three days, he is required to make such returns, and pay over all moneys received, and, in case of the failure of said clerk to pay over said moneys and make such report to the satisfaction of said comptroller, he shall be suspended and removed from office, by the mayor with the concurrence of the common council, and thereupon the mayor, by and with the advice and consent of the common council, shall appoint his successor to fill the vacancy during the unexpired term.

17. PROSECUTING ATTORNEY—DUTIES OF.] *Ibid.* SEC. 16. The common council, if it think proper, may, by ordinance, provide for the appointment of a prosecuting attorney for said police court, to manage all city cases before it, and, in such case, may provide for his compensation by a salary. In case of the appointment of such prosecuting attorney of the police court, he shall prosecute all cases before it, and also superintend the collection of fees, fines, forfeitures, judgments and executions, and keep a docket thereof, and file a monthly report of the number of all cases commenced, and all cases disposed of, with the names of parties sued, and the amount of fines, fees and forfeitures collected, with the number of cases where moneys are uncollected, and the amount thereof, and file such reports in the city comptroller's office.

18. COUNCIL MAY PRESCRIBE OTHER DUTIES OF CLERK AND PROSECUTING ATTORNEY.] *Ibid.* SEC. 17. The clerk of the police court and police prosecuting attorney (if any), shall perform such other duties as may be prescribed by ordinance of the common council.*

19. SESSIONS OF COURT HELD IN ONE PLACE—WHEN MAY BE CHANGED.] *Ibid.* SEC. 18. The sessions of the police court shall be held in but one place, where all examinations upon criminal charges before the justices thereof shall be had; and where, also, all other business of every kind coming before the justices of said police court, shall be transacted; and the place of holding said court shall not be changed without a vote of the common council.†

* Ordinance as to duties of prosecuting attorney and of clerk of police court: *ante*, p. 99.

† Council may provide for police court in each division; *ante*, section 8, and note.

CHAPTER 14.

FIRE DEPARTMENT.

SECTION.

1. Power to prescribe fire limits—To prohibit the erection of wooden buildings.
2. Power to regulate construction of chimneys—Deposit of ashes—Dangerous manufactories—Fire-works—To require scuttles in the roofs of houses—General powers relating to fires.
3. Members of the common council and firemen exempt from jury and military duty.
4. Fund to be set apart for relief of disabled firemen—Fire telegraph fund.
5. Board of police to control fire department.
6. Organization of the fire department.
7. Regulations and rules for government of, to be made by the board of police.
8. Fire police to be furnished with equipments and to assist police in case of riot, etc.
9. Annual estimate of expenses to be sent to city comptroller.
10. Fire wardens—Their duties.
11. Investigation as to fires—Witnesses may be examined.
12. Provisions of part of act of 1863 made applicable to fire police.
13. Powers of fire wardens—Duty as to unsafe buildings.
14. Salaries in fire department.
15. Clerks, salaries of—Board may employ.

SECTION.

16. Salaries of certain officers of department.
17. Fire engines and apparatus may be purchased—Supplies to be furnished.
18. Bills of department, how paid.
19. Record of proceedings to be kept—Annual report of, to council.
20. Board may regulate the construction of boilers—Manufactories—Deposit of ashes—Demolish unsafe buildings, etc.
21. Power of board as to buildings dangerous to life or health.
22. Grades in office of assistant fire marshals.
23. Assistant fire marshals, their powers and duties.
24. Repairs of engines and apparatus—How made.
25. Investigation as to fires—How made.
26. Fire commissioner to be appointed—His powers and duties.
27. Oath of office—Bond—To give his exclusive attention to interests of the department.
28. Salary of fire commissioner, how paid.
29. Member of board only in matters pertaining to fire department.
30. Vacancy in office of fire commissioner, how filled.
31. Annual report of fires to be made to council.
32. Office of chief and assistant engineers abolished.

1. POWER TO PRESCRIBE FIRE LIMITS.] *Act February 13, 1863, chap. 12.* SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired without permission, and to direct that all and any buildings, within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings, within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.*

2. GENERAL POWER OF COUNCIL AS TO FIRES—CHIMNEYS—MANUFACTORIES, ETC.] *Ibid.* SEC. 2. The common council shall also have power:

First. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous.

Second. To prevent the deposit of ashes in unsafe places, and to cause all

* For ordinance see page 17 *ante*.

such buildings and enclosures as may be in a dangerous state, to be put in safe condition.

Third. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire.

Fourth. To regulate and prevent the use of fire-works and fire-arms.

Fifth. To compel the owners or occupants of houses or other buildings, to have scuttles in the roofs, and stairs or ladders leading to the same.

Sixth. To authorize the mayor, aldermen, police, or other officers of said city, to keep away from the vicinity of any fire all idle and suspicious persons and to compel all officers of said city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger thereat.

Seventh. And, generally, to establish such regulations, for the prevention and extinguishment of fires, as the common council may deem expedient.*

3. ALDERMEN AND FIREMEN EXEMPT FROM JURY DUTY.] *Ibid.* SEC. 7.† The members of the common council and firemen shall, during their term of service as such, be exempt from serving on juries in all courts of this state, and in the militia.‡ The name of each fireman shall be registered with the clerk of the city, and the evidence to entitle him to the exemption provided in this section shall be the certificate of the clerk, made within the year in which the exemption is claimed.

4. FUND TO BE SET APART FOR RELIEF OF DISABLED FIREMEN.] *Ibid.* SEC. 8. One-eighth part of the amount of all fire insurance rates which shall be annually paid into the city treasury, as hereinbefore provided, shall be reserved and set apart, to create a fund for the relief of distressed firemen who may become disabled in the service of the city; and shall be used solely for that purpose. Said money shall be disbursed in such sums, and under such rules and regulations, as the common council shall prescribe. The remaining seven-eighths of the aforesaid revenue shall be retained by the city and allowed to accumulate, until a sufficient sum shall have been realized to defray the expense of establishing a fire alarm or fire telegraph system in said city, and shall be then used for that purpose. After this purpose shall have been accomplished, this portion of the aforesaid revenue shall be applied to the purchase of fire engines and other apparatus used for the extinguishment of fires.

5. BOARD OF POLICE TO CONTROL FIRE DEPARTMENT.] *Act February 16, 1865.* SEC. 23. The board of police of said city shall assume and exercise the entire control of the fire department of said city, and shall possess full power and authority over its organization, government, appointments and discipline, within said city. It shall have the custody and control of the engine-houses, engines, hose carts, trucks, ladders, horses, telegraph lines, and all other public property and equipments belonging to the fire department.

6. ORGANIZATION OF FIRE DEPARTMENT.] *Ibid.* SEC. 24. The fire

* Ordinance *ante*, page 17.

† Sections 3, 4, 5 and 6, act of February 13, 1863, repealed by act February 16, 1865; see *post*, chapter 22, section 23.

‡ Alderman to have powers of fire warden and conservator of the peace, *ante*, chapter 3, section 10; *post*, chapter 22, section 7.

department of said city shall consist of a fire marshal and assistant marshals, not exceeding three, and as many competent, able and respectable citizens of said city as shall be appointed by the board, to be known as the fire police, who shall, under the direction of said board, have the care and management of the engines, apparatus, equipments, engine-houses, and other property used and provided for the extinguishment of fires: *Provided*, that the common council may limit the number of the fire police. The said offices of marshal and fire police, hereby created, shall be severally filled by the appointment of said board. It shall promulgate all regulations and orders relating to the fire department through the fire marshal, and it shall be the duty of the subordinate officers and the fire police, to respect and obey the said marshal as the head and chief of the department, subject to the rules, regulations and general orders of the board.

7. BOARD TO MAKE RULES AND REGULATIONS.] *Ibid.* SEC. 25. The duties of the respective members of the fire department shall be defined by said board, and executed under its direction and control, and according to rules and regulations which it is hereby authorized to pass, from time to time, for the more proper government and discipline of the members of the fire department; and the said board may impose reasonable forfeitures upon them for a violation of the same, and for incapacity, neglect of duty or misconduct, may remove them, or either of them.

8. EQUIPMENTS, ETC.—TO ASSIST POLICE, WHEN.] *Ibid.* SEC. 26. The board shall furnish the fire police with necessary equipments, and give them requisite instruction, so that in case of risk [riot] or sudden emergency, or whenever the board may deem it necessary, they may be called to the assistance of the regular police, and when so employed, they shall possess all the powers and privileges of the patrol police.

9. ANNUAL ESTIMATE OF EXPENSE.] *Ibid.* SEC. 27. It shall be the duty of the board of police to prepare and submit to the comptroller, on or before the first day of May, in every year, an estimate of the whole cost and expenses of providing for and maintaining the fire department of said city during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the common council, with his annual estimate.

10. FIRE WARDENS—DUTIES OF.] *Ibid.* SEC. 28. The said board may require the assistant marshals of the fire department to act as fire wardens, and while so acting, it shall be their duty to examine all buildings and enclosures, to discover whether the same are in a dangerous state, and to report to the board all violations of the charter or ordinances of said city in relation to the prevention or extinguishment of fires.

11. INVESTIGATION AS TO FIRES—WITNESSES MAY BE EXAMINED.] *Ibid.* SEC. 29. The board shall have power, in its discretion, to direct the fire marshal to inquire into and investigate the cause of all fires which may occur in the city, as soon as may be after they occur, and to keep a record of his proceedings, and of the evidence in each case, and to file the same, or a copy thereof, in the office of the board. He shall have power to compel the attendance of any person in said city, to testify upon oath concerning

any fire in said city, under such penalty as the common council may provide, and he is hereby authorized to administer oaths to all such witnesses. He shall be required to use his utmost exertions in the discovery, arrest and conviction of all incendiaries, and perform such other duties as the board may prescribe.*

12. PROVISIONS OF SECTIONS OF ACT 1863 EXTENDED TO FIRE POLICE.] *Ibid.* SEC. 30. The provisions of sections seven and eight of chapter twelve, of the act to which this is an amendment, are hereby extended to and made applicable to the fire police, to the same extent that they are now applicable to firemen.†

13. FIRE WARDENS—POWERS OF.] *Act March 9, 1867, chap. 3.* SEC. 7. The fire marshal, the assistant fire marshals, the members of the board of police, and such members of the fire department as the board of police may designate and appoint, shall be fire wardens, and shall have and exercise all the rights and powers, and shall perform all the duties now conferred, exercised, imposed or required by law of fire wardens. The fire wardens are hereby authorized to enter upon and inspect any building, place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and, if not, to direct or cause the same to be made so.

14. SALARIES.] *Ibid.* SEC. 8. The common council may, in the annual appropriation bill, by a vote of two-thirds of all the aldermen authorized to be elected, to be taken by ayes and noes and entered upon the records of the council, on the recommendation of the board of police, fix the salaries of the members of the fire department at not exceeding the following sums respectively per annum: fire marshal, three thousand dollars (\$3,000); first assistant fire marshal, one thousand eight hundred dollars (\$1,800); second assistant fire marshal, one thousand six hundred dollars (\$1,600); third assistant fire marshal, one thousand four hundred dollars (\$1,400); engineers of fire engines, one thousand four hundred dollars (\$1,400); foremen of companies, one thousand two hundred dollars (\$1,200); fire policemen, nine hundred dollars (\$900) and watchmen of engine houses, seven hundred and twenty dollars (\$720).‡

15. BOARD APPOINT CLERKS AND FIX PAY.] *Act March 15, 1869.* SEC. 9. The board of police shall have power to appoint clerks in the fire department and fix their pay.

16. SALARIES OF CERTAIN OFFICERS.] *Ibid.* SEC. 10. The fire marshal shall receive an annual salary of thirty-five hundred dollars, the first assistant fire marshal shall receive an annual salary of eighteen hundred dollars, the second assistant fire marshal shall receive an annual salary of seventeen hundred dollars, and the third assistant fire marshal shall receive an annual salary of sixteen hundred dollars.§

17. FIRE APPARATUS—SUPPLIES TO BE FURNISHED.] *Act February*

* See *infra*, section 25. For ordinance, *ante*, page 17.

† Amendatory of act approved February 12, 1863. *Ante*, sections 3 and 4.

‡ *Post*, section 16. Common council may fix salaries of all officers; see *ante*, chapter 3, section 25, page 400.

§ See note to section 14, *ante*.

16, 1865. SEC. 32. The said board shall, from time to time as it may be authorized by the common council, procure fire engines and other apparatus used for the extinguishment of fires, and the common council shall procure, fit and secure engine-houses for keeping and preserving the same. And the said board shall, at the cost of the city, furnish all necessaries and supplies for the engines, houses and apparatus, and cause all necessary repairs to be made, so that the fire department may at all times be in an efficient condition.

18. BILLS, HOW PAID.] *Ibid.* SEC. 33. All bills of the fire department shall be approved by the board, and shall be paid only upon the warrant of the comptroller, countersigned by the mayor and president of the board.*

19. RECORD OF PROCEEDINGS—REPORT TO COUNCIL.] *Ibid.* SEC. 34. A full and complete record of the proceedings of the board, so far as the same relates to the fire department, shall be kept in a book expressly for that purpose, and the said board shall, on or before the first Monday in April in each year, make a full report in writing, to the common council, of the condition of the fire department.†

20. STEAM BOILERS—MANUFACTORIES—FIREWORKS, ETC.] *Act March 9, 1867, chap. 3.* SEC. 9. The board of police are hereby empowered to regulate the construction of chimneys, and to compel the cleaning thereof; to prevent the setting up or construction of boilers, stoves, ovens, or other things, in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to regulate the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the sale or use of fireworks in said city; to raze or demolish any building, wall or erection which, by reason of fire or any other cause, may become dangerous to human life or health, or tend to extend a conflagration.

21. UNSAFE BUILDINGS—POWER OF BOARD.] *Act March 15, 1869.* SEC. 8. Any person or corporation, being the owner or occupant of any building or premises within the city of Chicago, who shall violate any regulation or order of the board of police, which may be made by said board in conformity with the powers conferred upon said board by section nine (9), chapter three (3)‡ of an act supplementary to an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof, into one act, and revise the same, approved February 13th, 1863, and the several amendments thereto, approved March 9, 1867; or who shall fail to comply to any regulation or order of said board directing such person or corporation to raze, demolish, remove, change, or make safe any building, wall or erection, or any part thereof, which, by reason of fire, lack of sufficient number of props, stairways, doors, landings, passage-ways, or other thing necessary, or which, in the opinion of the board, may, by any possible contingency, become necessary to insure safety to the occupants or to the life or health of the people in the vicinity thereof, shall be subject to a fine, not less than five dollars and not exceeding one hundred dollars for each day, after being noti-

* Countersigning repealed; *ante*, chapter 6, section 34.

† *Infra*, section 31.

‡ See *ante*, section 20.

fied of such regulation or order, such person or corporation shall fail to comply with such regulation or order of said board.

22. GRADES OF OFFICE OF FIRE MARSHALS.] *Act March 9, 1867, chap. 3. SEC. 10.* The board of police are hereby authorized to establish, by order or regulation, grades in the office of assistant fire marshals, to be known as first, second and third assistant fire marshals.

23. ASSISTANT FIRE MARSHALS—THEIR POWERS AND DUTIES.] *Ibid. SEC. 11.* It shall be the duty of the said assistants, if in their power, to attend all the fires happening in any division of the city, and in case of the absence of the fire marshal at any fire, it shall be the duty of the first assistant to take charge of the organization, and he shall have and exercise all the powers of the fire marshal; and in case of the absence of both the fire marshal and first assistant, the second assistant shall have and exercise the duties and powers of fire marshal; and in case of the absence of the marshal and first and second assistants, the third assistant shall be invested with the powers and perform the duties of fire marshal.

24. REPAIR OF ENGINES AND APPARATUS.] *Ibid. SEC. 12.* The board of police may, two-thirds of the common council concurring, cause the ordinary repairs of fire engines, fire apparatus, and of the fire alarm telegraph, to be done in any shop belonging to said city, and for that purpose may employ additional mechanics and provide additional tools and machinery, if absolutely required.

25. INVESTIGATION AS TO FIRES.] *Ibid. SEC. 13.* The police commissioners of the city of Chicago are hereby authorized and required to make an investigation into the origin of every fire occurring in said city, and for that purpose they are hereby invested with the same powers and jurisdiction as are now possessed by the police justices of said city.

26. FIRE COMMISSIONER—POWERS, ETC.] *Ibid. SEC. 14.* It shall be the duty of the common council, upon the recommendation of the Chicago board of underwriters, to appoint a qualified voter of the city of Chicago, when so recommended by said board of underwriters, whose duty it shall be to act with the board of police commissioners of said city in all matters relating to the organization, government, appointment and discipline of the fire department in said city. The person appointed shall have the same powers and authority in reference to the fire department as is now by law conferred upon the several members of said board of police commissioners, but he shall have no authority or right to act as a member of said board for any other purpose than that herein specified.

27. OATH—TERM OF OFFICE—BOND—TO GIVE EXCLUSIVE ATTENTION.] *Ibid. SEC. 15.* The person so appointed shall hold his office for one year from the date thereof, and until his successor is qualified and appointed, unless sooner removed by the said common council, upon the recommendation of the said board of underwriters; and he shall take the same oath, and make and execute the same bond to said city, in the same manner as the several members of said board of police commissioners are now required by law to do, and he shall, under the direction of the common council and the said Chicago board of underwriters, devote his exclusive attention to the interest of the said fire department.

28. SALARY—HOW PAID.] *Ibid.* SEC. 16. The salary of the person appointed, as herein provided, shall be fixed, at the time of such appointment, by the said board of underwriters, and the salary so determined upon shall be paid by the said board of underwriters in equal monthly payments, and no other or additional compensation shall be allowed by the common council to said commissioner, for services rendered in accordance with the provisions of this act, nor shall the city, in any event, be liable to said commissioner for his compensation for such services.

29. TO BE MEMBER OF BOARD ONLY IN MATTERS OF FIRE DEPARTMENT.] *Ibid.* SEC. 17. When such appointment is made by the common council, the person so appointed, upon taking the prescribed oath and filing the bond required by this act, shall be deemed legally qualified, and shall at once enter upon the discharge of his duties as a member of said board of police commissioners in matters only pertaining to the fire department of said city.

30. VACANCY IN OFFICE—HOW FILLED.] *Ibid.* SEC. 18. In case of either the death, resignation or removal of the person so appointed, the common council shall fill the vacancy in the same manner as herein provided for the appointment thereof.

31. ANNUAL REPORT OF FIRES TO BE MADE TO COUNCIL.] *Ibid.* SEC. 20. In addition to the report now required to be made by the police commissioners to the common council, they shall make to the said council, annually, a report of the number and location of all fires occurring during each month in the year; the character of the building; for what purpose used; the amount of insurance on buildings and contents, with such other facts and practical suggestions as they may deem beneficial.*

32. OFFICE OF CHIEF AND ASSISTANT ENGINEERS ABOLISHED.] *Act February 16, 1865.* SEC. 35. The office of the chief engineer and assistant engineers of the fire department of said city are hereby abolished, and the present chief engineer and assistants shall act as fire marshal and assistant fire marshals, respectively, under the direction of the board as herein provided, for the term for which they were elected.

CHAPTER 15.

CHICAGO WATER WORKS.

SECTION.

1. Board of public works to have charge of the water works.
2. Board to consider all matters relating to the sufficient supply of pure water.
3. Power to construct reservoirs and lay pipes.

SECTION.

4. Board required to construct hydrants for extinguishing fires.
5. Power to purchase and convey real estate.
6. Power to construct necessary buildings and machinery.

* *Ante*, section 19.

109.

Power to purchase books and charts, and to make surveys.
 Power to enter upon lands to make surveys and construct works—To agree with owners upon the compensation to be paid for land taken.
 Mode of ascertaining damages in case of disagreement.
 City authorized to construct aqueducts, pumping works and break-waters.
 Power to extend inlet pipes into the lake—To erect piers.
 Board empowered to complete the issue of certain bonds heretofore authorized.
 City authorized to borrow \$500,000, for purposes pertaining to the supply of water—Bonds to be issued—How issued, and by whom sold—Water funds to be used exclusively for the water works.
 Board desiring to issue bonds, shall make a report and estimate to the common council of the purposes for which the bonds are to be used—Council to approve.
 Interest on bonds restricted to seven per cent.—Bonds not to be sold at less than par without consent of council.
 Board to keep a register of all bonds issued.
 Comptroller to keep a record of all bonds outstanding.
 Interest on bonds to be paid by comptroller—Also the principal when due—Purchase of water loan bonds by the city—New bonds may be issued to pay those falling due.
 Board to assess water rents on lots and buildings—Assessment a lien.
 Power to attach meters.
 Record to be kept of all assessments.
 Time of payment to be advertised—If not paid within 30 days, 10 per cent. may be added to assessments.

SECTION.

23. Collection of assessments—Warrants to be issued—Levy.
 24. Commencing with 1864, assessment warrants shall be annually issued to city collector against lots assessed—Proceedings thereon.
 25. If assessments are omitted or not collected, they may be included in the next year's warrant.
 26. Method provided for collecting all water rents unpaid May 1st, 1863.
 27. Board to make rules and regulations concerning the use of water—Common council to provide penalties for their violation—Where rules are violated, the water supply may be stopped.
 28. Connections may be made between water pipes and sewers—Board may use water for cleansing the sewers.
 29. Surplus revenue from water works, how it may be used—Annual report to show amount of bonds and debts outstanding, amounts due, and all expenditures on account of the works.
 30. Board to report to comptroller, on the 1st of May, the amount required during the year, over and above the ordinary revenue, to pay interest and principal on water loan bonds—Common council to raise the same by a special tax.
 31. Temporary loans authorized in certain cases.
 32. Accounts pertaining to water works to be kept separate—Moneys deposited with treasurer for said works to be kept as a special fund, and used for no other purpose.
 33. Penalty for willful injury to water works property, or polluting the water.
 34. Repealing clause.
 35. Power to issue \$1,000,000 bonds.

1. BOARD OF PUBLIC WORKS TO HAVE CHARGE.] *Act February 13, 63, chap. 15.* SECTION 1. The board of public works of the city of Chicago, shall have charge and superintendence of the water works of said city.

2. DUTY OF BOARD, AS TO WATER SUPPLY.] *Ibid.* SEC. 2. It shall be the duty of said board to examine and consider all matters relative to supplying the city of Chicago with a sufficient quantity of pure and wholesome water, to be taken from Lake Michigan, for the use of its inhabitants.

3. POWER TO CONSTRUCT RESERVOIRS, ETC.] *Ibid.* SEC. 3. Said board shall have power to construct reservoirs, jets, and public and private hydrants, and to lay pipes in and through all the streets and alleys of said city, and also across all rivers and streams in the said city, and in the county of Cook, not interfering with the navigation of the same, and, with the consent of the common council of said city, to construct fountains in the public squares or such other public grounds of said city, as they shall deem expedient.

4. TO CONSTRUCT HYDRANTS.] *Ibid.* SEC. 4. It shall be the duty of said board to construct hydrants of sufficient size and capacity, and in such localities as they shall deem desirable, for the purpose of extinguishing fires.

5. POWER TO PURCHASE AND CONVEY REAL ESTATE.] *Ibid.* SEC. 5. The said board shall have power to purchase, hold and convey any personal

and real estate, which may be necessary and proper to carry out the intention and object of this chapter, but the title to all real estate purchased, shall be taken in the name of the city of Chicago; and no such purchase shall be made without the approval of the common council being first had thereto.

6. BUILDINGS, ETC.—POWER TO CONSTRUCT.] *Ibid.* SEC. 6. Said board shall have power, and it is hereby made their duty, to purchase such lot or lots of land, subject to the approval of the common council, and to construct such buildings, machinery and fixtures, as shall be deemed necessary or desirable, to furnish a full supply of water for public and private use in said city.

7. BOOKS, CHARTS, ETC.—POWER TO PURCHASE—SURVEYS.] *Ibid.* SEC. 7. Said board shall have power to purchase such books, charts and other works, as may be found necessary or useful, and to cause such surveys to be made within said city and outside of its limits, as may be required for the objects of this chapter.

8. POWER TO ENTER UPON LAND TO MAKE SURVEYS AND TO AGREE AS TO DAMAGES.] *Ibid.* SEC. 8. The said board are hereby authorized to enter upon any land or water for the purpose of making surveys, or constructing any of the works authorized by this chapter, and to agree with the owners of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner, for the property so taken, or the amount of damages to be paid to such owner or owners, by reason of the construction of any of the works hereby authorized; but no such agreement shall be binding upon said city, until first approved by the common council thereof.

9. LAND TAKEN FOR WORKS—DAMAGES, HOW ASCERTAINED.] *Ibid.* SEC. 9. In case of disagreement between the board and the owners of property, which may, in the judgment of said board, be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from the state, or in case of disagreement between the said board and owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both; and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform, as nearly as may be, to those specified and provided for in the act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment.

10. AQUEDUCTS, ETC.—POWER TO CONSTRUCT.] *Ibid.* SEC. 10. The city of Chicago shall have the power to construct such aqueducts along the shore of Lake Michigan, or in the highways, or elsewhere in said Cook county, and to construct such pumping works, break-waters, subsiding basins, filter beds and reservoirs, and to lay such water mains, and to make all other constructions in said county, as shall be necessary in obtaining from Lake Michigan a sufficient and abundant supply of pure water for said city.

11. POWER TO EXTEND PIPES INTO LAKE—ERECT PIERS, ETC.] *Ibid.*
SEC. 11. Said city shall have the power to extend aqueducts or inlet pipes into Lake Michigan, so far as may be deemed necessary to insure a supply of pure water, and to erect a pier or piers in the navigable waters of said lake, for the making, preserving, and working of said pipes or aqueducts: *Provided*, that such piers shall be furnished with a beacon light, which shall be lighted at all such seasons and hours as the light on the pier at the entrance of Chicago river.

12. CERTAIN BONDS—POWER TO ISSUE.] *Ibid.* **SEC. 12.** The board of public works are hereby empowered to issue all bonds now authorized to be issued under the law of this state incorporating the Chicago city hydraulic company, approved February 15, 1851, or the acts amendatory thereof, or under any law authorizing the issue of bonds for the construction of the water works for the said city of Chicago.

13. TO BORROW CERTAIN MONEYS—ISSUE BONDS THEREFOR.*] *Ibid.*
SEC. 13. For such expenditures, pertaining to the supply of water to the said city as are hereby authorized, the said city shall have power to borrow, from time to time as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars; and said board shall have power, by and with the approval of the common council, to issue bonds, pledging the faith and credit of said city, for the payment of the principal and interest of said bonds; but no bonds shall be issued, until the common council shall have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected; and all bonds issued by the said board, before they shall be binding upon said city, shall be marked "approved" by the mayor and clerk of said city, under the seal of said city, and such signature and seal shall be conclusive evidence to the holder of said bonds, of the fact of such approval; *Provided*, that all sales of water loan bonds which may be issued by said board, shall be made only by the comptroller of said city, who, on making such sales, shall deposit the proceeds thereof with the city treasurer, to the credit of the water fund, and shall file with the said board a duplicate receipt of the said treasurer, for the amount of such deposit: *Provided, also*, that all funds derived from the sale of said water loan bonds, or from water rents, or otherwise, for the water works of said city, shall be exclusively used and appropriated by said board, to the objects and purposes pertaining to the water supply of said city, herein specified, nor shall the same, or any part thereof, be used by the said board, or by the said city, for any other purpose.†

14. NO BONDS TO ISSUE EXCEPT BY AUTHORITY OF COUNCIL.] *Ibid.*
SEC. 14. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of the work proposed to be executed, and the amount which will be required by them for such purpose, within a period to be stated in said report; which report shall be

* Power to issue other water loan bonds, *post*, section 35; also, *ante*, chapter 5, section 54.

† *Post*, section 39.

accompanied by an estimate of the cost of the things required to be purchased, and of the work to be done; and the common council may thereupon approve the issue of the whole amount of bonds called for by such report, or such part thereof as the said common council may deem expedient.

15. BONDS—INTEREST ON LIMITED, ETC.] *Ibid.* SEC. 15. The said bonds shall bear interest at a rate not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board less than their par value, unless the common council of said city shall, by a vote of a majority of all the aldermen elected, authorize the comptroller of said city to sell the same at a lower rate, and then only at such rate as shall be fixed by said council: *Provided, however,* that reasonable commissions to brokers or agents employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

16. REGISTER OF BONDS TO BE KEPT.] *Ibid.* SEC. 16. It shall be the duty of the said board to keep an accurate register of all bonds, and all interest coupons, issued for the construction of the said water works, showing the number, date and amount of each bond and coupon, and to whom issued or sold, and when and where payable, and the particular bonds at any time outstanding.

17. BONDS—RECORD TO BE KEPT BY COMPTROLLER.] *Ibid.* SEC. 17. It shall be the duty of the comptroller of the city of Chicago to keep such a record of all bonds, now or hereafter to be issued for the water supply of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

18. PRINCIPAL AND INTEREST—HOW PAID.] *Ibid.* SEC. 18. It shall be the duty of the comptroller of said city to pay the interest on said water loan bonds, and also the principal as the bonds shall become due. The said comptroller, when there are funds for that purpose, may, with the approval of said board, purchase any such water loan bonds, whether the same have become due or not; and in case there are not sufficient water funds in the treasury of said city to meet all of the said bonds when the same have become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount, and on such time as the said board and the common council shall deem expedient, in the place of the bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

19. WATER RATES TO BE ASSESSED BY BOARD—LIEN OF.] *Ibid.* SEC. 19. The said board of public works shall, from time to time, assess as water rents or assessments, such amounts as they shall deem equitable, on any lots of land which shall abut or adjoin any street, avenue or alley in said city, through which the distributing pipes of the water works of said city are, or may hereafter be laid, which shall have a building or buildings thereon, which can be conveniently supplied with water from the said pipes; the said assessment shall be on the said lots and on the building or buildings thereon, whether the water from the water works of said city shall be used

in such building or buildings, or on such lot, or not; and the said assessment shall be and become a continuing lien or charge upon all such lots, and the building or buildings situated thereon.

20. WATER METERS—POWER TO ATTACH.] *Ibid.* SEC. 20. The said board shall have power to attach meters to any premises using water, to enable them to determine the amount to be assessed against such premises; and assessments, so from time to time made, shall be a charge and lien on the lot and building or buildings situated thereon, as in the case of assessments otherwise levied, and be collected in the same manner as herein provided for other water assessments.

21. RECORD OF WATER RATES OR ASSESSMENTS.] *Ibid.* SEC. 21. An accurate record of all water rents or assessments shall be kept by said board, which shall be subject to inspection.

22. PAYMENT OF WATER RATES—ADVERTISEMENT—COLLECTION.] *Ibid.* SEC. 22. Ten days prior to the day designated by the board for the semi-annual or other periodical payment of the water assessment, they shall advertise in the corporation newspaper of said city, or if there be no corporation newspaper then in some other newspaper in said city, that the said water assessments will, at such time, become due and payable; and if such assessments are not paid within thirty days from the day fixed as above for their payment, then the said board shall have power to add to such assessment an amount not exceeding ten per cent. thereof; and on premises assessed, but not supplied with water, the said board may make a discount on the assessment, if the same be paid within the periods to be fixed by the board.

23. FAILURE TO COLLECT—WARRANT TO ISSUE—PROCEEDINGS UPON.] *Ibid.* SEC. 23. It shall be the duty of the said board to collect the water rents and assessments so assessed; and in case the payment thereof shall be neglected or refused for thirty days after the time fixed for the payment of the same, as hereinbefore provided, then the said board may issue their warrants, under the corporate seal, and attested by the city clerk, directed to any constable of said city, commanding him to make the amount specified in such warrant, being the whole amount due at the date of the issue of such warrant, for water rents or assessments, as aforesaid, together with the costs of advertising the same, and such fees as constables are entitled to by the laws of this state, in the levy and sale of personal property upon execution, out of goods and chattels of the owner or owners of the lots and buildings so assessed, or of the owner or owners—either of the lots, or of the building or buildings thereon, if the lot and building are not owned by the same person or persons; and the constable, in such case, shall levy under such warrant, upon any personal property of the person or persons against whom the same is issued, and shall sell the same at public auction, after giving ten days' notice of the time and place of sale, in some newspaper published in said city.

24. WARRANTS FOR WATER RATES TO ISSUE ANNUALLY—PROCEEDINGS ON.*] *Ibid.* SEC. 24. Commencing with the year 1864, and annually thereafter, on or before the last day of October, the said board shall issue a

* See act in regard to the assessment, etc., of taxes in incorporated cities, etc., for the year 1872 and prior years, *ante*, page 486.

warrant or warrants, under the corporate seal, and attested by the city clerk, directed to the city collector (charging him with the amount collectable thereon, and taking his receipt therefor), commanding him to make the amounts set against the several lots or parcels of land described in said warrant, being the amount of water rents or assessments which shall remain unpaid on said lots, for the year ending May first, next preceding the time of the issue of such warrants, out of the goods and chattels of the respective owners of said lots of land; and the same proceedings shall thereupon be taken with reference to said warrants, as with warrants issued by said city for the collection of assessments for the filling, grading or paving of streets; and they shall have the same force and effect, excepting that the said collector shall pay over the amounts collected by him to the said board of public works; and if any lots of land be struck off to the said city, at the sale for such water rents or assessments, as is provided in the case of other taxes or assessments, the certificates of the sale thereof shall be issued to the said board of public works, and shall be held by them, for the use and benefit of the water works of said city. Said board shall have the same rights, under such certificates, as other purchasers at tax or assessment sales, and said certificates shall be assignable, by the indorsement of the president of said board. Said warrants for the collection of water assessments, when issued to the said city collector, shall have the same force and effect as warrants issued to the said collector by said city, for the assessments for filling, grading or paving streets; like powers, rights and duties being hereby conferred and imposed upon the said city collector, and on all parties interested, except as provided in this section: *Provided, however*, that nothing in this section contained shall be so construed as to prevent said board from resorting to any other method for the collection of water rents and assessments, which may be authorized in this chapter.

25. ASSESSMENTS OMITTED TO BE INSERTED IN NEXT WARRANT.] *Ibid.* SEC. 25. If, in the issue of the said warrants to the said city collector for any one year, the assessments against any lot or lots should be omitted therefrom, or if, from any cause, the assessments on any lots should not be collected under such warrants, the said board may, in their warrants to be issued the next year to the city collector, include such back assessments; or the amounts with which such lots are chargeable, may be collected out of the personal property of the owners of the lots, or of the buildings, as is hereinbefore provided, by the issue of the warrants of the board to any constable in said city.

26. WATER RATES PRIOR TO 1863—COLLECTION OF.] *Ibid.* SEC. 26. For the collection of all water rents or assessments, remaining unpaid on the first day of May, A. D. 1863, the said board may issue their warrants, as is provided in section twenty-three of this chapter; and such warrants shall authorize the sale of any house or building on which any lien shall have attached by reason of such water rent or assessment, if the building and lot on which the same is situated are owned by different persons; or, if the building and lot on which it is situated, against which such water rent is assessed, are owned by the same person, the said board may, as soon after the first

day of May, A. D. 1863, as shall be practicable, report to the common council of said city, the lots on which there shall remain unpaid such water rents or assessments; and the common council shall, thereupon, take the same proceedings for the collection of such water rents or assessments, as are provided in this act for the collection of assessments for the repair of sidewalks; but any amount, collected under these proceedings, shall be paid over to said board; and certificates of sale of lots struck off to the city shall be issued, as provided in the twenty-fourth section of this chapter.

27. WATER—USE OF—REGULATIONS BY BOARD—WATER MAY BE SHUT OFF.] *Ibid.* SEC. 27. It shall be the duty of the board to make all needful rules and regulations concerning the use of water supplied by the water works of said city, which regulations shall be printed in the water permits issued by said board, and if rules and regulations are needed, other than what are now provided for in the ordinances of said city, it shall be the duty of the board to report to the common council the regulations which shall be adopted by them to provide for such necessity, and the common council shall, thereupon, pass an ordinance establishing such rules and regulations, and providing penalties for their violation, which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city.* In all cases where said rules are not complied with, the said board shall have the right to stop or cut off the supply of water from premises where compliance with such rules is refused or neglected; and the shutting off of the water from such premises shall not make void the assessment thereon, but they shall be held for the assessment, as in the case of lots which are not supplied with water, but which abut upon a street or alley where the water pipe is laid.

28. WATER MAY BE USED TO CLEANSE SEWERS.] *Ibid.* SEC. 28. The said board are empowered to make connections between the water pipes and sewers of said city, and to furnish such amount of water, for the purpose of cleaning out such sewers, as shall be required, so far as water can be conveniently supplied by the water works of said city, without lessening the supply needed for the use of its inhabitants.

29. SURPLUS REVENUE, HOW USED—ANNUAL REPORT OF BOARD.] *Ibid.* SEC. 29. If there shall be an annual income or revenue, in any way, from the water works of said city, greater than is needed to pay the interest of the bonds issued for their construction, and to pay the current expenses of the works, and for maintaining them in thorough repair, then the said board shall have power to direct such excess of revenue to be used in the purchase of the outstanding water loan bonds, or in making such additions to the water works of said city as shall have been approved by the common council, or to direct such surplus funds to be invested in the purchase of other bonds of the city of Chicago.† The annual report of said board shall specify, in full, what amount of surplus funds shall have been invested, and the nature and amount of the respective securities held by them. The annual report of said board shall also show the amount of water loan bonds

* For ordinance see *ante*, page 146.

† See *ante*, section 13.

outstanding, and all debts outstanding on account of the water works, and the amounts due from parties to the city, for the water works, and shall accurately and clearly exhibit all the expenditures of the said board, on account of the same, which statement shall be certified by the commissioners of said board, under oath.

30. ANNUAL REPORT AS TO TAX NECESSARY.] *Ibid.* SEC. 30. It shall be the duty of the said board, on or before the first day of May, in each year, to report to the comptroller what, if any, sum will be needed by said board, over and above the revenue of said water works, to meet the payment of interest or principal of the said water loan bonds, which said report shall be laid, by the comptroller, before the common council, with his annual estimate; and it shall be the duty of the common council to raise said amount, if approved by them, by a special tax, in the same manner as general taxes, to be designated water tax, or in such other way as the said common council shall direct, and the said amount shall be paid over to the city treasurer, to be applied to the payment of the interest or principal of the water loan bonds.

31. TEMPORARY LOANS.] *Ibid.* SEC. 31. The said board shall have power to authorize the comptroller of said city to raise, by temporary loan, upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the payment of the interest on the said bonds, or the outstanding obligations of the said city, on account of the water works, and for which there shall be no funds in the hands of the treasurer of the said city; but, in all cases, such temporary loans shall be provided for out of the first revenue received from the water works into the city treasury.

32. WATER WORKS ACCOUNTS KEPT SEPARATE—NOT USED FOR OTHER PURPOSES.] *Ibid.* SEC. 32. All accounts pertaining to the water works of said city shall be kept separate and distinct from the accounts pertaining to other departments of said board; and all moneys deposited with the city treasurer on account of the water works, shall be by him kept separate and distinct from all other moneys, as the water fund, and shall only be applied for the uses and purposes for which the same were received; and such moneys shall be held by the treasurer of the city as a special fund, separate and distinct from other funds; and he shall be deemed guilty of embezzlement if he shall pay out such moneys for any account other than that belonging to such water fund, and shall be liable to indictment for so doing.

33. PROPERTY—PENALTY FOR INJURING—POLLUTING WATER—PENALTY.] *Ibid.* SEC. 33. If any person shall willfully do, or cause to be done, any act whereby any work, material or property whatever, constructed, provided or used within the city of Chicago, or elsewhere, by the said board, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall in any manner be injured, or if any person shall willfully pollute the water, such person shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

34. REPEALING CLAUSE.] *Ibid.* SEC. 34. All acts or parts of acts, inconsistent with the provisions of this chapter, are hereby repealed.

35. POWER TO ISSUE ONE MILLION DOLLARS BONDS.] *Act March 9, 1867, chap. 2.* SEC. 12. For the purposes specified in chapter fifteen of the act approved February 13, 1863, of which this is amendatory and supplementary, the said city shall have power to borrow, from time to time, a sum of money not exceeding one million of dollars, and to issue bonds therefor; and all the provisions of said act, as to the issue, custody and sale of water loan bonds, and the custody and disbursement of the proceeds thereof, shall apply to the loan hereby authorized, except as herein otherwise provided.*

CHAPTER 16.

CHICAGO SEWERAGE WORKS—TUNNELS.

SECTION.

1. Board of public works to have charge of sewerage works.
2. Board to consider all matters in relation to drainage.
3. Power to purchase books and charts, and to make surveys.
4. Power to construct reservoirs and lay sewers.
5. Power to construct canals or sewers connecting the river and its branches with the lake—To construct dams and pumping works.
6. Power to purchase and convey real estate.
7. Power to enter upon land to make surveys and construct works—To agree with owners upon compensation to be paid for land taken.
8. Mode of ascertaining damages in case of disagreement.
9. Board to report to common council what changes are necessary in the grade of streets—Council may establish and alter grades—Street gutters may be so laid as to remove the surface water.
10. Sewers may be so constructed as to furnish proper connections with private drains—The additional costs to be assessed on lots benefited.
11. Cost of private drains to be a special charge on lots benefited.
12. Board to prescribe location and construction of private drains which connect with the public sewers.
13. Board to cause private drains to be laid, communicating with the sewers, from every lot requiring it—May enter upon any lot for this purpose.

SECTION.

14. Board may regulate the construction and cleansing of privies and cesspools.
15. Board empowered to complete the issue of certain bonds heretofore authorized.
16. City authorized to borrow \$500,000 for sewerage purposes—Bonds to be issued—How issued, and by whom sold—Sewerage funds to be used exclusively for sewerage purposes.
17. Board desiring to issue bonds, shall make a report and estimate to the common council of the purposes for which the bonds are to be used—Council may approve.
18. Interest on bonds restricted to seven per cent.—Bonds not to be sold at less than par without consent of council.
19. Board to keep a register of all bonds issued.
20. Comptroller to keep a record of all bonds outstanding.
21. Interest on bonds to be paid by comptroller—Also the principal when due—Purchase of sewerage bonds by the city—New bonds may be issued to pay those falling due.
22. Board to report to comptroller on the 1st of May the amount required to pay interest on outstanding bonds.
23. Board to report, at same time, the amount required for sinking fund.
24. Board to report, at same time, the amount required for salaries, incidental expenses, and cleaning and repairing sewers.
25. The amount reported under last three sections to be raised by tax—Treasurer to report monthly to board of public works the amount of sewerage tax collected.

* Other bonds authorized for water works, *ante*, chapter 5, sections 54 *et seq.* Power to levy tax for extension of water mains; duty of board in regard thereto; *ante*, chapter 9, section 8. See also section 13, this chapter.

SECTION.

26. Sinking fund to be invested in purchase of sewerage bonds or other bonds of the city—To be used for no other purpose than the liquidation of said bonds—Annual report to specify the securities in which said fund is invested—Also the progress and condition of sewerage works, amount of bonds and debts outstanding, amounts due and all expenditures on account of the works.
27. Temporary loans authorized in certain cases.
28. Accounts pertaining to sewerage works to be kept separate—Moneys for, deposited with treasurer on account of said works to be applied only for sewerage purposes.
29. Penalty for willful injury of sewers.
30. Board to make regulations concerning the public sewers—Common council to provide penalties for their violation.
31. Provisions relating to sinking fund to be deemed a part of the contract with parties purchasing bonds.
32. Repealing clause.
33. Tunnels, power to build, condemn property for.
34. To levy tax of two mills—To borrow money for tunnels.
35. Amendatory of last section.

SECTION.

36. Power to adopt plan for cleansing river and branches.
37. Same—Power to contract with Illinois and Michigan canal trustees.
38. Power to borrow \$2,000,000 therefor.
39. Power to contribute \$2,000,000 toward improvement of canal.
40. Board of engineers to aid in devising plans may be appointed.
41. Additional members of board of public works provided for.
42. Plan and estimates for river improvement—Appropriations for, to be made under control of council.
43. Power to condemn land for canal between river and Lake Michigan.
44. Power to pass ordinances to protect work—Drainage into Chicago river prohibited without permit.
45. Preamble and section one of act authorizing deepening of canal according to original plan.
46. Navigation of canal not to be obstructed.
47. Power to condemn lands.
48. Amount expended by city to be a lien.
49. State may relieve lien of city.

1. BOARD OF PUBLIC WORKS TO HAVE CHARGE OF.] *Act February 13, 1863, chap. 16.* SECTION 1. The board of public works of the city of Chicago, shall have charge and superintendence of the sewers of said city, and of all works pertaining thereto.

2. TO EXAMINE AS TO DRAINAGE OF CITY.] *Ibid.* SEC. 2. It shall be the duty of the said board to examine and consider all matters relative to the thorough, systematic and effectual drainage of the city of Chicago, not only of surface water and filth, but also of the soil on which said city is situated, to a sufficient depth to secure dryness in cellars and entire freedom from stagnant water, and in such manner as best to promote the healthfulness of said city.

3. BOOKS—CHARTS—SURVEYS.] *Ibid.* SEC. 3. The said board shall have power to purchase such books, charts and other works, as may be found necessary or useful, and to cause such surveys to be made within said city, and outside of its limits, as may be required in carrying out the objects of this chapter.

4. RESERVOIRS—SEWERS—POWER TO CONSTRUCT.] *Ibid.* SEC. 4. The said board shall have power to construct reservoirs, and to lay sewers or drains in and through all the alleys and streets of the said city, and in any highway in Cook county, and also across all rivers and streams, not interfering with the navigation of the same, and through any or all breakwaters into Lake Michigan, whether within the limits of said city or not.

5. CANAL AND SEWERS TO LAKE MICHIGAN—POWER TO CONSTRUCT.] *Ibid.* SEC. 5. The said board are hereby empowered, with the approval of the common council of said city, to construct canals or sewers connecting Lake Michigan with Chicago river or its branches, and such other canals, ditches, dams, sewers, embankments, reservoirs, pumping works or other works, and such buildings, machinery and fixtures, as they may find neces-

sary or useful for the carrying out of the purpose of this chapter, whether the same are made within or without the limits of said city.*

6. POWER TO PURCHASE AND CONVEY REAL ESTATE.] *Ibid.* SEC. 6. The said board shall have power to purchase, hold and convey any personal and real estate, which may be necessary and proper to carry out the intention and objects of this chapter, but the title to all real estate purchased shall be taken in the name of the city of Chicago, and no such purchase shall be made without the approval of the common council being first had thereto.†

7. MAKE SURVEYS—CONSTRUCT WORKS—AGREE WITH LAND OWNERS AS TO DAMAGES.] *Ibid.* SEC. 7. The said board are hereby authorized to enter upon any land or water, for the purpose of making surveys, or constructing any of the works authorized by this act, and to agree with the owners of any property which may be required for the purpose of this act as to the amount of compensation to be paid to such owners for the property so taken, or the amount of damages to be paid to such owner or owners by reason of the construction of any of the works hereby authorized, but no such agreement shall be binding on said city until first approved by the common council thereof.‡

8. DAMAGES—MODE OF ASCERTAINING WHERE NO AGREEMENT.] *Ibid.* SEC. 8. In case of disagreement between the board and the owners of the property, which may, in the judgment of said board, be required for any of the purposes specified in this chapter, as to the amount of compensation to be paid to such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from this state, or in case of disagreement between the said board and any owner or owners of property, touching the amount of damages arising from the construction of any part of the work hereby authorized, the said board shall have the right to condemn said property, or to have the amount of such damages ascertained, or both; and the proceedings for the condemnation of such property, or the ascertainment of such damages, or both, shall conform, as nearly as may be, to those specified and provided in the act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852, and the act or acts of which the same is an amendment.§

9. CHANGES IN STREET GRADES FOR SEWERAGE—BOARD TO REPORT STREET GRADES.] *Ibid.* SEC. 9. It is hereby made the duty of the said board to report to the common council what grade, or changes of grade, of the streets and alleys of said city, are necessary to secure their thorough drainage and sewerage, as is contemplated by this chapter: and the common council may thereupon, by ordinance, establish or alter such grades. The said board may make such arrangements or alterations of the gutters along the streets and alleys, included in those parts of the city, the drainage from which can be conveniently introduced into the sewers, as shall be necessary to cause a rapid and effectual removal of the surface water from the same;

* *Post*, sections 38 *et seq.*

† *Post*, section 38.

‡ *Post*, section 38.

§ *Post*, section 38; further provision for condemnation, *post*, section 43.

and to this end, may enter upon, use and obstruct the said streets for such time as may be necessary to effect said object.

10. SEWERS—PRIVATE DRAINS TO CONNECT WITH.] *Ibid.* SEC. 10. The said board, while constructing the said drains or sewers, as herein provided, may construct such additions to the same, as they shall deem expedient to furnish the proper plans of connection with the private drains or sewers to be thereafter constructed; and the cost of such additions may be charged and assessed as a part of the expense of said private drains or sewers connecting therewith, when such private drains or sewers shall be constructed, and shall be chargeable to the lot or lots for the benefit of which the same are constructed, and collected in the same manner as hereinbefore, in this act, provided for the collection of the costs of such private drains or sewers.*

11. PRIVATE DRAINS—COST HOW DEFRAIDED.] *Ibid.* SEC. 11. The cost of the private drains and sewers, connecting the respective lots in said city with the public sewers, shall not be included in the cost of the general plan of sewerage, but the same shall be a special charge upon the lot or lots for whose benefit such private drain or sewer shall be constructed, and shall be collected as hereinbefore in this act provided.†

12. BOARD TO PRESCRIBE LOCATION AND CONSTRUCTION OF PRIVATE DRAINS.] *Ibid.* SEC. 12. It shall be the duty of said board to prescribe the location, arrangement, form, material and construction of every private drain or sewer emptying into the said public drains or sewers, and to determine the manner and plan of such connection; and the work of constructing the same shall be, in all cases, subject to the superintendence and control of the said board, and shall be executed strictly in compliance with their orders.

13. TO BE LAID FROM EVERY LOT IF NECESSARY.] *Ibid.* SEC. 13. It shall be the duty of the said board to construct or provide for the construction of private drains or sewers, to communicate with the public drains or sewers, from every lot in the said city which in their judgment requires it; and whenever the said board, by virtue of this act, are authorized to construct any such private drain or sewer, it shall be lawful for the said board, or their agents, to enter upon any of said lots and to construct thereon such drain or sewer, and, for that purpose, to have free ingress and egress upon said lot or lots, with men and teams, and to deposit all the necessary building materials, and generally to do and perform all things necessary to a complete execution of the work.

14. BOARD TO REGULATE CONSTRUCTION OF PRIVIES, ETC.‡] *Ibid.* SEC. 14. The said board shall have power to regulate the construction of privies and the manner of cleaning the same, and to construct and regulate the construction of cess-pools, and provide for the draining of privies and cess-pools; and like notices shall be served, so far as may be, and like proceedings had, and like measures taken for collecting the cost and expense, as is hereinbefore in this act provided in the case of repairs of sidewalks.§

* *Ante*, chapter 7, section 3; also, see chapter 8.

† *Ante*, chapter 7, section 26; also, see chapter 8.

‡ See chapter 17, section 23, *post*; also, see chapter 8.

§ See chapter 7, sections 1, 2, 3, *ante*.

15. TO ISSUE CERTAIN BONDS.] *Ibid.* SEC. 15. The said board of public works are hereby empowered to issue all bonds, now authorized to be issued under the law of this state incorporating a board of sewerage commissioners for the city of Chicago, approved February 14th, 1855, and under an act in addition to the same, approved February 14th, 1859.

16. CERTAIN MONEYS MAY BE BORROWED—BONDS THEREFOR—SEWERAGE MONEY NOT TO BE USED FOR OTHER PURPOSES.] *Ibid.* SEC. 16. For the carrying out of the purposes and objects of this chapter, the said city shall have power to borrow, from time to time as the board of public works and the common council of said city shall deem expedient, a sum of money not exceeding five hundred thousand dollars, upon the credit of said city of Chicago; and said board shall have power, by and with the approval of the common council, to issue bonds, pledging the faith and credit of said city, for the payment of the principal and interest of the said bonds; but no bonds shall be issued until the common council shall have approved of such issue, by a vote of a majority of all the aldermen by law authorized to be elected; and all bonds issued by said board, before they shall be binding upon said city, shall be marked "approved," by the mayor and clerk of said city, under the seal of said city, and such signature and seal shall be conclusive evidence to the holder of said bonds, of the fact of such approval: *Provided*, that all sales of sewerage loan bonds, which may be issued by said board, shall be made only by the comptroller of said city, who, on making such sales, shall deposit the proceeds thereof with the city treasurer to the credit of the sewerage fund, and shall file with the said board a duplicate receipt of the said treasurer for the amount of such deposit: *Provided, also*, that all funds derived from the sale of the sewerage loan bonds of said board, or otherwise for the sewerage works of said city, shall be exclusively used and appropriated, by said board, to the objects and purposes pertaining to the sewerage of said city, herein specified; nor shall the same, or any part thereof, be used by the said board for any other purpose.*

17. BONDS—REPORTS TO COUNCIL—APPROVAL OF COUNCIL.] *Ibid.* SEC. 17. It shall be the duty of the said board, at any time when they shall desire to make an issue of bonds, as herein authorized, to make a report to the common council, setting forth the nature and amount of work proposed to be executed, and the amount which will be required by them for such purposes, within a period to be stated by them in said report; which report shall be accompanied by an estimate of the cost of the things required to be purchased, and of the work to be done; and the common council may thereupon approve the issue of the whole amount of bonds called for by such report, or such part thereof as the common council may deem expedient.

18. BONDS—INTEREST ON, LIMITED.] *Ibid.* SEC. 18. The said bonds shall bear interest not exceeding seven per cent. per annum, and shall not be sold at a rate which will net to the said board less than their par value, unless the common council of said city shall, by a vote of a majority of all the aldermen elected, authorize the comptroller of said city to sell the same

* Further provision for borrowing and issuing bonds; *post*, section 38; *ante*, chapter 5, section 54 *et seq.*

at a lower rate, and then only at such rate as shall be fixed by said council: *Provided, however*, that reasonable commissions, to brokers or agents employed in procuring the sale or negotiation of said bonds, may be paid by said comptroller.

19. REGISTER TO BE KEPT BY BOARD.] *Ibid.* SEC. 19. It shall be the duty of the said board to keep an accurate register of all bonds and all interest coupons, issued for the construction of said sewerage works, showing the number, date and amount of each bond and coupon, and to whom issued or sold, and when and where payable, and the particular bonds at any time outstanding.

20. RECORD OF, TO BE KEPT BY COMPTROLLER.] *Ibid.* SEC. 20. It shall be the duty of the comptroller of the city of Chicago to keep such a record of all bonds, now or hereafter to be issued for the sewerage of said city, as shall at all times exhibit the number and amount of such bonds outstanding, the rate of interest, and when and where the principal and interest are payable.

21. PRINCIPAL AND INTEREST OF—HOW PAID—NEW BONDS IN PLACE OF MATURING BONDS.] *Ibid.* SEC. 21. It shall be the duty of the comptroller of said city to pay the interest on said sewerage loan bonds, and also the principal, as the bonds shall become due. The said comptroller, when there are funds for that purpose, may, with the approval of the said board, purchase any such sewerage loan bonds, whether the same have become due or not; and in case there are not sufficient sewerage funds in the treasury of said city to meet all of the said bonds, when the same shall become due, the said board shall have the right to issue new bonds, in the same manner as hereinbefore provided, for such amount and on such time as the said board and the common council of said city shall deem expedient, in the place of bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

22. BOARD, REPORT TO COMPTROLLER AMOUNT NECESSARY TO PAY INTEREST.] *Ibid.* SEC. 22. It shall be the duty of the board to report to the comptroller, on or before the first day of May in each year, the amount which will be required to be raised, for the municipal year next ensuing, to meet the payment of interest to accrue during said year on all the bonds theretofore issued, or which are, during said year, to be issued, for the sewerage of the said city.

23. TO REPORT AMOUNT NECESSARY FOR SINKING FUND.] *Ibid.* SEC. 23. It shall be the duty of the said board, further, to report to the comptroller, at the time named in said last section, such amount as they shall, upon calculation, find necessary in order to provide a sinking fund for the liquidation of the bonds, so issued as aforesaid, at the maturity thereof: *Provided*, that the amount to be raised for such sinking fund shall not exceed two per cent. of the amount of bonds theretofore issued, and which are, during said year, to be issued for the sewerage of said city.

24. REPORT AMOUNT NECESSARY FOR SALARIES, SEWERS, ETC.] *Ibid.* SEC. 24. The said board shall, at the same time, also report to the comptrol-

ler the sum which will be by them required to pay salaries and incidental expenses, and for the cleaning and repairing, and for the proper maintenance of the sewers of said city. The reports required in this and the two preceding sections, shall be laid by said comptroller before the common council, with his annual estimate.

25. TAX TO BE LEVIED TO RAISE SUMS REPORTED.] *Ibid.* SEC. 25. The amount which shall be so reported to the common council, as provided in said last three sections, shall be raised, by the said common council, by a special tax on the property of the city, to be designated sewerage tax, which shall be collected in like manner with the other taxes of said city; and the amounts so collected shall be paid over by the collector of said city to the city treasurer, who, at the end of each month, shall report to the board of public works the amount of the sewerage tax paid over to him during such month.*

26. SINKING FUND—HOW INVESTED—ANNUAL REPORT OF BOARD.] *Ibid.* SEC. 26. It shall be the duty of the said board to direct the comptroller of said city to invest the amount heretofore raised, or hereafter to be raised, to provide a sinking fund for the liquidation of said bonds, and such investment shall be by the purchase of said bonds, or other bonds of the city of Chicago; and in like manner to invest the interest received on such last mentioned bonds, and to invest and re-invest said sinking fund, and all proceeds thereof, in such manner as to make the same available for the liquidation of the said bonds. All such investments shall be made in the name of the said city, and shall be designated as the sewerage sinking fund, and shall in no case be used or appropriated for any other purpose, whatsoever, than the liquidation of the said bonds. The annual report of said board shall specify in full the nature and amount of the respective securities in which the said sinking fund is invested. The annual report of said board shall state the progress and condition of the sewerage works, shall also show the amount of sewerage loan bonds outstanding, and all debts outstanding on account of the sewerage works, and the amount due from parties to the city for the sewerage works, and shall accurately and clearly exhibit all the expenditures of the said board on account of the same; which financial statement shall be certified by the commissioners of said board, under oath.

27. TEMPORARY LOANS.] *Ibid.* SEC. 27. The said board shall have power to authorize the comptroller of said city to raise, by temporary loan, upon the credit of said city of Chicago, with the approval of the common council, such sums of money as may be needed for the payment of the interest on the said bonds, or the outstanding obligations of the said city on account of the sewerage works, and for which there shall be no funds in the hands of the treasurer of the said city; but, in all cases, such temporary loans shall be provided for out of the first sewerage tax, or other revenues on account of the sewerage works, received into the city treasury.

28. SEWERAGE ACCOUNTS TO BE KEPT SEPARATE—MONEYS NOT TO BE USED FOR OTHER PURPOSES.] *Ibid.* SEC. 28. All accounts pertaining to

* Additional power to tax, see chapter 9, sections 1 and 7, *ante*. See, also, chapter 11.

the sewerage works of said city, shall be kept separate and distinct from the accounts pertaining to other departments of said board ; and all moneys deposited with the city treasurer, on account of the sewerage works, shall be by him kept separate and distinct from all other moneys, as the sewerage fund, and shall only be applied for the uses and purposes for which the same were received.

29. SEWERS — INJURY TO — PENALTY — REGULATIONS CONCERNING.]

Ibid. SEC. 29. If any person shall willfully or maliciously obstruct, damage or injure any public or private sewer or drain in said city, or willfully injure any of the materials employed, provided or used in said city for the purposes specified in this act, he shall be subject to indictment, and upon conviction thereof, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months, or both, in the discretion of the court.

30. BOARD MAKE RULES, AND COUNCIL ENFORCE, FOR GOVERNMENT OF SEWERS, ETC.] *Ibid.* SEC. 30. It shall be the duty of the board to make all necessary rules, regulations and restrictions concerning the public and private sewers or drains of said city, and to report to the common council the regulations which shall be adopted by them ; and the common council shall, thereupon, pass an ordinance establishing such rules and regulations, and providing penalties for their violation ; which penalties may be enforced in any court having jurisdiction of any offenses against any of the ordinances of said city.

31. SINKING FUND—PROVISION FOR—PART OF CONTRACT WITH BOND BUYERS.] *Ibid.* SEC. 31. The provisions hereinbefore contained, for the establishment of a sinking fund, shall be deemed and taken as a part of the contract with the parties purchasing said bonds, and shall not be repealed or modified, so as in any manner to impair the security thereby afforded to the said bondholders.

32. INCONSISTENT ACTS REPEALED.] *Ibid.* SEC. 32. All acts, or parts of acts, inconsistent with the provisions of this chapter, are hereby repealed.

33. TUNNELS—POWER TO BUILD.] *Act February 15, 1865.* SEC. 20. The common council shall have power to cause or authorize the building of one or more tunnels under the Chicago river and its branches, at the intersection of any street, or at such other points, as, in their opinion, the public good may require, and the said city shall have power to purchase and hold all such real estate as may be necessary for constructing said tunnels and the approaches thereto ; and in case of disagreement, between the said city and the owners of any property which may be required for the purposes aforesaid, as to the amount of compensation to be paid such owners, or in case such owner shall be an infant, a married woman, or insane, or absent from the state, the said city shall have the right to condemn said property ; and the proceedings, for the condemnation of such property, shall conform to those specified or provided by the act above mentioned,* in the case of the condemnation of land for a public street in said city, as far as the same are applicable.

* Act February 13, 1863, *ante*, chapter 6.

34. TO LEVY TAXES FOR TUNNELS AND BONDS FOR MONEY BORROWED.] *Ibid.* SEC. 21. To defray any expense that may be incurred pursuant to the power and authority granted by the preceding section, the common council shall have power annually to levy and collect a tax not exceeding two mills on the dollar, on the assessed value of all real and personal estate in the city, made taxable by the laws of this state; and in case the entire revenue derivable from said two mill tax shall be insufficient to cover the expense of constructing any tunnel that may be ordered by the common council, the deficiency may be supplied by a temporary loan, to be made for a space of time not exceeding the close of the next municipal year, and said loan shall be provided for in the tax levy of that year, by a tax levied pursuant to the authority conferred by this section. And said city shall also have power and authority to issue and sell bonds for said purposes, not exceeding one hundred thousand dollars, in any one year. Said bonds to be issued, and to become due, at such times as the common council may by ordinance determine.

35. PRECEDING SECTION AMENDED.] *Act March 10, 1869.* SEC. 7. Section twenty-one of an act approved February 15, 1865, entitled "An act to amend an act to reduce the charter of the city of Chicago, and the several acts amendatory thereof into one act and to revise the same," approved February 13, 1863, be, and the same is hereby so amended, that the city of Chicago may, by resolution or order of the common council, issue and sell bonds for the purpose specified in said section, not exceeding the sum of three hundred thousand dollars in any one year.

[Provisions of acts in regard to widening and deepening the Illinois and Michigan canal, issuing bonds therefor, providing a sinking fund for the same, etc.]

36. RIVER—PLAN FOR CLEANSING.] *Act February 15, 1865.* SEC. 11. That the board of public works of the city of Chicago be, and they are hereby, authorized, required and empowered to devise, and, with the approval of the common council of said city, or otherwise as hereinafter provided, to adopt and execute a plan for cleansing the Chicago river and its branches, and keeping the same in a pure and healthy condition, and also, by contract with the trustees of the Illinois and Michigan canal, or otherwise, for changing the water in said river and branches; but if the consent of said trustees can be had, and in the judgment of said board it is expedient, the experiment of cleansing said river by using the pumping works of said canal, shall be first thoroughly tried, before any expenditure for constructing any other canal or conduit shall be incurred.

37. SAME—MAY CONTRACT WITH CANAL TRUSTEES.] *Ibid.* SEC. 12. If, in the judgment of said board, it shall be found that permanent and complete drainage of said river and branches can be best effected by constructing a channel from some point on the Chicago river or its branches, southwardly toward or near Lockport, or by widening and deepening the Illinois and Michigan canal, the said board are hereby authorized and empowered to devise a plan for that purpose, with the consent of the common council, or otherwise as hereinafter provided, to make any contract necessary to carry into effect such purpose, in conformity with and subject to the general provisions of the city charter, with the trustees of the Illinois and Michigan canal, or with the United States, or the state of Illinois, or with any party or parties, and to construct a canal, or to widen or deepen the Illinois and Michigan canal, or otherwise to remove and change the waters of the Chicago river and its branches; and the said trustees of the Illinois and Michigan canal are hereby authorized and empowered to make such contract as they may deem just and proper, with the said board or the city of Chicago, for said purposes or any of them.*

* Further provisions for cleansing river; *post*, section 45 *et seq.*

38. POWER TO BORROW MONEY NOT EXCEEDING \$2,000,000—ISSUE BONDS THEREFOR.] *Ibid.* SEC. 13. For the purpose of carrying out the improvements contemplated by the eleventh, twelfth, fourteenth and eighteenth sections of this act,* and sections five, six, seven and eight, of chapter sixteen, of the act of which this is an amendment,† the said city shall have power to borrow, from time to time as the board of public works and common council shall deem expedient, an additional sum of money, not exceeding two million dollars,‡ upon the credit of said city of Chicago, and to issue bonds therefor, in the manner authorized by section sixteen of said chapter; and all the provisions, in said chapter contained, respecting the issue and sale of sewerage loan bonds, the custody and expenditure of the proceeds thereof, and the payment of the principal and the interest to become due thereon, and providing for a sinking fund for the liquidation of the same, shall in like manner apply to the bonds hereby authorized; and the said fund so raised shall constitute a special fund, to be held and used for the purposes of such improvement and for no other purpose whatsoever.

39. CANAL—DEEPENING OF—POWER TO CONTRIBUTE TO.] *Ibid.* SEC. 14. Should the work of enlarging and deepening the said canal for a ship or steamboat canal be prosecuted by the United States, or by the state of Illinois, or the trustees of the Illinois and Michigan canal, the common council of the city of Chicago are hereby authorized and empowered to make a contribution toward such improvement, of such sum of money or bonds, or part of the bonds in the preceding section of this act provided for, or their proceeds, not exceeding two millions of dollars, as they shall deem proper.

40. BOARD OF ENGINEERS, MAY BE APPOINTED FOR.] *Ibid.* SEC. 15. Upon application of the board of public works, the mayor, by advice and consent of the common council, may appoint a consulting board, of not less than three nor more than five competent engineers, to aid in devising the plans and arranging details rendered necessary by this act.

41. BOARD—ADDITIONAL MEMBERS APPOINTED FOR RIVER IMPROVEMENT.] *Ibid.* SEC. 16. For the purpose of cleansing the Chicago river and its branches, as in this act provided, Roswell B. Mason and William Gooding are hereby appointed additional members of the board of public works, who shall each receive the same salary as the other members of said board, which is hereby fixed at three thousand dollars per annum for each, and when the work herein contemplated shall be completed, they shall cease to be members of the said board: *Provided*, that the said additional members shall have no power or authority in the said board, save and except in reference to the said work: *And provided, also*, that in no event shall their term of office extend longer than six years from and after May 1st, 1865. In case of the death, resignation or removal from this state of either of said additional members of said board, the vacancy caused thereby shall be filled by the governor of the state of Illinois.

42. RIVER—PLAN AND ESTIMATE FOR CLEANSING—APPROPRIATIONS FOR, UNDER CONTROL OF COUNCIL.] *Ibid.* SEC. 17. The said board of public works, after they shall have agreed upon a plan for cleansing the Chicago river, shall forthwith report the said plan to the common council, with a statement of its probable cost, and the said council shall examine the said plan and if they shall approve the same, it shall be and continue the plan of said work, except so far as it may be changed by the board of public works, in matters of detail, or be otherwise changed or abandoned, as hereinafter provided. If the common council shall disapprove the said plan, they shall refer the same back to said board of public works, with a statement of the reasons for such disapproval. If the said board of public works shall, after considering such objections, adhere to the said plan, by a vote of the majority of all the members of said board, they shall report the same back to the common council, and, after the expiration of thirty days, the said plan, unless withdrawn by said board, shall be and continue the plan of said work, with the exception as to details aforesaid, and the contracts entered into in reference to the same by said board shall be in accordance with and subject to the general provisions of the city charter: *Provided, however*, that said plan may be afterwards abandoned or changed for a different plan, if the said board and the common council, by a majority of all the members of each of said boards, consent [t]hereto: *Provided, also*, that the appropriation of money and the issuing and sale of bonds for said work shall be and remain under the control of the common council; and the general provisions of the city charter relating to appropriations, to the custody and sale of city bonds and the custody and disbursement of the city moneys, shall, and they are hereby intended to apply to the appropriations, the custody and sale of the bonds, and the custody and disbursements of the moneys, for the prosecution of said work.

* Sections 36, 37, 39 and 43 of this chapter.

† Sections 5, 6, 7 and 8 of this chapter.

‡ See *ante*, sections 5, 6, 7 and 8; *ante*, chapter 5, section 54.

43. CANAL BETWEEN RIVER AND LAKE—CONDEMNATION OF LAND FOR.] *Ibid.* SEC. 18. If the said board and the common council shall, in their judgment, deem it desirable to effect the object of this act, by the construction of one or more canals, to or from the Chicago river or either of its branches to Lake Michigan or elsewhere, it shall be lawful for the said commissioners to condemn such land as shall be necessary for the bed of such canal or canals, and the deposit of the material thereon out of the same, and the proper use and control thereof, not exceeding three hundred feet on each side of said canal or canals: *Provided*, that in case, said board shall widen or deepen the Illinois and Michigan canal, then, and in that case only so much land shall be taken as is necessary for that purpose; and when, in the opinion of said board and the common council, it shall be needful, for the interest of said works hereby authorized, that the fee in any real estate acquired for right of way or for other purposes by said board, shall be vested in said city, such real estate shall, upon payment for the same as aforesaid, become the property of said city in fee simple absolute.

44. ORDINANCES TO PROTECT WORK TO BE PASSED—DRAINAGE INTO RIVER PROHIBITED WITHOUT PERMIT.] *Ibid.* SEC. 19. The common council is hereby authorized and empowered to pass all such ordinances as they may deem necessary for the protection, preservation and use of the work, hereby authorized, and the property which may be obtained or possessed under this act, and provide such penalties for the infraction thereof as they may deem expedient, not to exceed the penalties now provided by law for the protection of the Illinois and Michigan canal, or other public works or property of the state; and it shall not be lawful for any person to drain from any point within the limits of Chicago into the Chicago river or either of its branches or into any canal or canals constructed under the authority of this act without first obtaining a permit for such drainage from the board of public works; and the said board are hereby authorized to grant such permits and to exact license fees for the same proportioned to the amount and kind of drainage.

45. ILLINOIS AND MICHIGAN CANAL TO BE DEEPENED—PREAMBLE, ETC.] *Act February 16, 1865.* WHEREAS: It has been represented that the city of Chicago, in order to purify or cleanse the Chicago river, by drawing a sufficient quantity of water from Lake Michigan directly through it and through the summit division of the Illinois and Michigan canal, would advance a sufficient amount of funds to accomplish this desirable object; and,

WHEREAS: The original plan of the said canal was to cut down the summit so as to draw a supply of water for navigation directly from Lake Michigan, which plan, was abandoned for the time being, after a large part of the work had been executed, only in consequence of the inability of the state to procure funds for its further prosecution; and,

WHEREAS: Under the law creating the trust, the plan of the summit division of the canal was changed, the level being raised so as to require the principal supply of water to be obtained through the Calumet feeder, subject to serious contingencies, and by pumping on to the summit with the hydraulic works at Bridgeport: Now, therefore,

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That to secure the completion of the summit division of the Illinois and Michigan canal upon the original "deep cut" plan, with such modifications and change of line, if necessary, as will most effectually secure the thorough cleansing or purification of the Chicago river and facilitate the execution of the work, the city of Chicago, through its constituted authorities, may at once enter into an arrangement with the board of trustees of said canal with a view to the speedy accomplishment of the work.

46. NAVIGATION CAPACITY NOT TO BE OBSTRUCTED.] *Ibid.* SEC. 2. The canal shall not be constructed of a less capacity than the plan adopted by the canal commissioners in 1836, nor shall the work of deepening it be prosecuted so as to materially interfere with the navigation. By consent of the board of trustees, however, the navigation may be opened later and closed earlier than usual in former years, but it shall never be diminished to a less time than six months.

47. CONDEMNATION FOR.] *Ibid.* SEC. 3. It shall be lawful for the city of Chicago to enter upon and use any lands which may be necessary for the right of way for said canal, if the route should in any part vary from the present line of canal, and to take and use any materials of any description necessary for the prosecution of the work contemplated, along the line thereof, the value of the same to be determined in the mode provided by the general laws of this state.

48. MONEY EXPENDED, A LIEN ON CANAL.] *Ibid.* SEC. 4. The amount expended by the city of Chicago in deepening the summit division of the canal, according to the plan adopted by the canal commissioners in 1836, shall be a vested lien upon the Illinois and Michigan canal and its revenues, after the payment of the present canal debt, and the next

revenue of the canal shall all, thereafter, be applied to the payment of the principal and interest of the sum expended in accomplishing the object of this act, until the whole amount is reimbursed to the city: *Provided*, the cost shall not exceed two and a half million of dollars.

49. STATE MAY REFUND AMOUNT.] *Ibid.* SEC. 5. The state of Illinois may, at any time, relieve this lien upon the canal and revenue, by refunding to the city of Chicago the amount expended in making the contemplated improvement and the interest thereon.*

CHAPTER 17.

BOARD OF HEALTH.

SECTION.

1. Board of health, how constituted.
2. General powers of board.
3. Term of commissioners — Oath — Bond — Removal from office.
4. Board to report each year the condition and expenditures of department.
5. President and secretary to be elected—Their duties.
6. Sanitary superintendent to be appointed—His salary.
7. Police patrolmen may be appointed to act as a sanitary squad.
8. Annual estimate of expenses to be submitted to comptroller—Tax for expenses—Warrants on fund, how drawn.
9. Duty and power of board in case of epidemics or pestilence.
10. Council may borrow money to meet such contingency.
11. Penalties for violation of by-laws, rules or regulations of board.
12. Prior laws as to health department, not inconsistent with act March 9, 1867, continued in force.
13. Power to abate nuisances.
14. Board to take measures to prevent spread of infectious disease—Reports of mortality to be made.
15. Practicing physicians to report infected patients—Penalty for neglecting so to do.
16. Vessels suspected of having infectious disease on board may be visited—Stores and dwellings.

SECTION.

17. Infected persons, not residents of the city, may be removed beyond city limits—Infected goods.
18. Infected vessels may be removed to quarantine—Punishment for refusal to comply with orders.
19. Council may prescribe other powers and duties to be exercised for sanitary purposes—Power to enter and examine houses, boats and vessels.
20. Dead hogs and other dead animals to be removed beyond city limits.
21. Rendering dead animals and offensive matter prohibited.
22. Rendering machinery—Condensers, etc.
23. Drains and privies upon private lots.
24. Health officer, duties and salary of.
25. Penalty for violation of section 20.
26. Penalty for violation of section 23.
27. Penalty for violation of section 24.
28. Penalties, how recovered.
29. States attorney to prosecute.
30. Proceedings for violation of section 21—States attorney to file information—Injunction when to issue.
31. Further proceedings authorized in case of nuisances—When possession of premises may be taken.
32. Ordinances as to nuisances continued in force.

1. BOARD OF HEALTH, HOW CONSTITUTED.] *Act March 9, 1867, chap.*

4. SECTION 1. The mayor of the city of Chicago, with six other persons, to be appointed on the passage of this act by the judges of the superior court of Chicago, each of whom shall be a resident of said city, and three of whom, and no more, shall be physicians, shall constitute the board of health of the city of Chicago.† Said board of health shall have, and there is hereby conferred on said board, such powers and duties as may be necessary to promote or preserve the safety or health of the city, or improve its sanitary condition.

* For act to relieve the lien of the city and refund moneys expended, see chapter 22, section 39, *post*.

† *Ante*, chapter 3, section 3.

2. POWERS OF.] *Ibid.* SEC. 2. Said board of health may enact such by-laws, rules and regulations as it may deem advisable, in harmony with the provisions and objects of this act and all acts, the object of which is to promote and preserve the health, safety and sanitary condition of the city, now existing or that may hereafter be passed, not inconsistent with the constitution or laws of this state, for the regulation of the action of said board, its officers and agents, in the discharge of its and their duties, and for the regulation of the citizens or public, and, from time to time, may alter, amend or annul the same.

3. TERM OF MEMBERS—OATH—BONDS.] *Ibid.* SEC. 3. The six members appointed, as herein provided, shall be divided into three classes; the first class shall hold office for two years; the second class for four years, and the third class for six years; and they shall determine by lot at the first meeting of said board which two of them shall hold office for the respective terms of two years, four and six years. Vacancies occurring in the said board, by the expiration of the term of office of either class, shall be filled by appointment by the judges of the superior court of Chicago for six years; any vacancy caused by either removal, resignation or death, shall be filled in like manner for the unexpired term. The members of said board, appointed as herein provided, shall receive an annual salary of not less than five hundred dollars, to be fixed by the common council.* Before entering upon the duties of their office, they shall take the oath prescribed for state officers in the constitution of the state, and they shall also give bonds to the said city in the sum of twenty-five thousand dollars each, conditioned for the faithful performance of their duties as members of the board of health under the provisions of this act, said bonds to be approved by the judges of the superior court of Chicago, and filed with their oath of office in the office of the city clerk. And in case of failure to comply with the requirements of this section, prior to the first meeting of said board, the office of such member, so failing to take the prescribed oath and give a bond, shall be deemed vacant, and shall be filled as in this act provided. The members of the board of health may be removed from office for like cause and in like manner as the board of police or the members of the board of public works.†

4. TO REPORT, ANNUALLY, CONDITION AND EXPENDITURES OF DEPARTMENT.] *Ibid.* SEC. 4. It shall be the duty of the board of health, on or before the first Monday in April of each year, to report in writing the condition of the health department, and a statement of the expenditures of the health board for the year, to the common council.

5. PRESIDENT—SECRETARY—DUTIES OF.] *Ibid.* SEC. 5. The said board of health shall meet at the office of the mayor of the city of Chicago, on or before the first Monday of April next, and organize by the election of one of their number president, and by appointing a competent person to be secretary of said board, and the successive presidents of said board of health shall be annually elected from the members thereof. The secretary shall keep a correct and complete record of all the acts, doings and proceedings of

* Common council may fix salaries; see chapter 3, section 35, page 400.

† *Act*, chapter 2, section 18.

said board; he shall receive an annual salary to be fixed by the board, and shall hold office during the pleasure of said board, but shall not be a member thereof*

6. SANITARY SUPERINTENDENT TO BE APPOINTED—SALARY OF.] *Act March 10, 1869.* SEC. 14. The board of health are hereby authorized and required to select from their number one who shall act as sanitary superintendent, and who shall devote his whole time to the duties of said office for which he is to receive, in addition to his salary as commissioner, the sum of twenty-five hundred dollars, payable at such times and in such manner as the salary of commissioner is now paid.*

7. POLICE PATROLMEN MAY BE APPOINTED ON SANITARY SQUAD.] *Act March 9, 1867, chap. 4.* SEC. 6. The board of police shall appoint such additional police patrolmen, to be subject to the rules and regulations of the police department, as the board of health may, from time to time, in writing request, to be detailed as a sanitary squad and be paid out of the health fund, the length of time for which they are wanted to be stated in said written request.

8. ANNUAL ESTIMATE OF EXPENSE TO BE SUBMITTED—TAX FOR—WARRANTS.] *Ibid.* SEC. 7. It shall be the duty of the board of health to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole cost and expenses of providing for and maintaining the health department of said city during the current fiscal year, which estimate shall be laid, by said comptroller, before the common council with his annual estimate. The common council may provide for the amount so required in the general tax levy to be laid on said city. Said money shall be paid into the city treasury, and shall be styled "the health fund," and shall be drawn out, for health purposes, on the warrant of the city comptroller, which shall be countersigned by the president or acting president of the board of health. The warrant of the comptroller shall not be drawn on said fund except on the certificate of the president or acting president of said board of health.

9. DUTY AND POWER OF BOARD IN CASE OF EPIDEMIC.] *Ibid.* SEC. 8. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of the said board of health to take such measures, and to do, and order, and cause to be done, such acts for the preservation of the public health (though not herein, or elsewhere, or otherwise authorized), as it may, in good faith, declare the public safety and health to demand.

10. COUNCIL MAY BORROW MONEY IN SUCH CONTINGENCY.] *Ibid.* SEC. 9. The common council, for the purpose of providing for the contingency mentioned in the preceding section, may order the mayor and comptroller to borrow a sufficient amount to cover such extraordinary expenditure for a space of time not exceeding the close of the next municipal year, which sum, together with the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein.

* See note (t) to section 3, *ante*.

11. PENALTY FOR VIOLATION OF BY-LAWS, RULES OR REGULATIONS OF BOARD.] *Ibid.* SEC. 10. Any person or corporation who shall violate any of the provisions of the health laws or ordinances of the city, or any of the by-laws, rules or regulations of the board of health, in addition to existing penalties, shall be subject to a fine of not less than five nor more than five hundred dollars, and on failure to promptly pay the same, may be imprisoned in the county jail, bridewell or house of correction, as in other cases of failure to pay a fine, or such person may be both fined and imprisoned, in the discretion of the court or magistrate.

12. PRIOR LAWS AS TO HEALTH DEPARTMENT CONTINUED IN FORCE, ETC.] *Ibid.* SEC. 11. All laws, or parts thereof, relating to the health department of the city of Chicago, now in force, not inconsistent with this act, are continued in force, and all powers therein conferred on the present board of health, not inconsistent herewith, are hereby conferred on the board of health of the city of Chicago, as provided for in this act: *Provided*, that nothing in this act contained shall be construed as in any manner giving to the said board of health any power or control as police commissioners over the police department of the city of Chicago.

13. BOARD OF POLICE TO ACT AS BOARD OF HEALTH—POWER TO ABATE NUISANCES.] *Act February 13, 1863, chap. 10.* SEC. 29. In addition to their other powers and duties, said board of police* shall also perform the duties of a board of health; and shall make diligent inquiry with respect to all matters affecting the health of said city, and cause all nuisances which may exist, which they may deem obnoxious to the health and lives of its inhabitants, to be abated or removed at their discretion, under a penalty of not less than five nor more than five hundred dollars, for every neglect or refusal of any person to comply with any order of said board.

14. BOARD EMPOWERED TO PREVENT SPREAD OF DISEASE—REPORTS OF MORTALITY.] *Ibid.* SEC. 30. It shall be lawful for said board to take such measures as they may, from time to time, deem necessary, to prevent the spread of any pestilential or infectious disease; to see that suitable provisions are made for the accommodation of such sick persons as properly come under the care of the city; and to make daily, weekly or monthly reports of the mortality of the city, as they may think proper and expedient.

15. PHYSICIANS, REPORT INFECTED PATIENTS—PENALTY FOR NEGLECT.] *Ibid.* SEC. 31. Every person practicing physic in the city, who shall have a patient laboring under any malignant or yellow fever, or other infectious or pestilential disease, shall forthwith make report thereof, in writing, to the secretary of said board; and for neglecting so to do, shall be considered guilty of a misdemeanor, and be liable to a fine of fifty dollars, to be sued for and recovered in an action of debt, in any court having cognizance thereof, with costs, for the use of said city.

16. VISITATION OF VESSELS SUSPECTED OF HAVING DISEASE ON BOARD.] *Ibid.* SEC. 32. It shall be the duty of said board to detail some officer of the police force to visit and inspect all boats or vessels coming, or lying and

* See next preceding section.

being within the harbor of the city, which are suspected of having on board any pestilential or infectious disease, and all stores and buildings which are suspected to contain unsound provisions or damaged hides or other articles, and to make report of the state of the same, with all convenient speed, to the president of said board.*

17. INFECTED PERSONS (NON-RESIDENTS) MAY BE REMOVED BEYOND CITY—SUSPECTED GOODS.] *Ibid.* SEC. 33. All persons in said city, not residents thereof, who shall be infected with any pestilential or infectious disease, and all things which, in the opinion of said board, shall be infected by, or tainted with, pestilential matter, and which ought to be removed, so as not to endanger the health of the city, shall, by order of said board, be removed to some proper place, not exceeding fifteen miles beyond the city bounds, to be provided by the board at the expense of the person who may be removed, if able; and the board may order any furniture or wearing apparel to be destroyed, whenever they may judge it to be necessary for the health of the city, by making just compensation.

18. INFECTED VESSELS TO QUARANTINE—PENALTY FOR REFUSING TO OBEY ORDER.] *Ibid.* SEC. 34. In case any boat or vessel shall come or be within the harbor or jurisdiction of the city, and the said board shall believe that such boat or vessel is dangerous to the inhabitants of said city, in consequence of her bringing and spreading any pestilential or infectious disease among said inhabitants, or have just cause to suspect or believe that if said boat or vessel is suffered to remain within the harbor or jurisdiction aforesaid, it will be the cause of spreading among the said inhabitants any pestilential or infectious disease, it shall and may be lawful for the said board, by an order in writing, signed by the president for the time being, to order such boat or vessel to be forthwith removed to any distance, not exceeding fifteen miles, beyond the bounds of said city, after the delivery of such order to the owner or consignee of said boat or vessel to quarantine, under such regulations and for such time as the common council or said board may prescribe; and if the master, owner, or consignee, to whom such order shall be delivered, shall neglect or refuse to comply therewith, or if after such removal, such master, owner or consignee shall neglect or refuse to obey the regulation which may be prescribed, the said president may enforce such removal or other regulations, in such manner as the council may, by ordinance, direct; and such master, owner or consignee shall be considered guilty of a misdemeanor, and on conviction, shall be fined a sum not exceeding two hundred and fifty dollars, and imprisoned not exceeding six months in the jail of Cook county, or in the city bridewell or house of correction, by any court having cognizance thereof. The said fine shall be paid into the treasury.

19. COUNCIL MAY PRESCRIBE OTHER DUTIES—POWERS OF ENTRY.] *Ibid.* SEC. 35. The common council shall have power to prescribe other powers and duties to be exercised and performed by said board for sanitary purposes, and to punish by fine or imprisonment, or both, any refusal or neglect to observe the orders and regulations of the board upon this subject

* Board to appoint a health officer, *post*, section 24.

The members of the police force shall be authorized, under the direction of said board, to enter all houses and other places, private or public, and boats or other vessels, at all times, in the discharge of any duty under the sanitary provisions of this act.

20. DEAD ANIMALS TO BE REMOVED.] *Act February 16, 1865.* SEC.

1. It shall be the duty of all person or persons, corporation or corporations, having the ownership or control of dead, undressed, unslaughtered hogs, cattle, or other animals or animal matter, within the city of Chicago, or within four miles of the limits of said city, to remove the same within twenty-four hours of their arrival within the above described locality, to some point not only out of the city of Chicago, but beyond the distance of four miles from the limits of said city; and in case the person or persons having ownership, control or possession of such dead animals shall fail so to remove them within the time specified, it shall be the duty of the health officer of Chicago to take immediate possession of and remove the same.*

21. RENDERING DEAD ANIMALS, ETC., PROHIBITED.] *Ibid.* SEC. 2.

No person or persons, corporation or corporations, shall render or try out any dead, undressed hogs, cattle or other animals, or any decayed, putrid or unsound animal matter, either in the city of Chicago or within four miles of the limits of the same; nor shall it be lawful for the common council of the city of Chicago, or any other board or body, to license, authorize or permit establishments for the above described business within the limits aforesaid.

22. MACHINERY, CONDENSERS, ETC.] *Ibid.* SEC. 3. No person or persons, corporation or corporations, shall render or manufacture any lard, tallow or soap-grease within the limits of the city of Chicago, without adopting such measures, in the way of condensers and other machinery, "to the end" of preventing unwholesome and disagreeable odors, as the health officer of the city of Chicago may direct.†

23. DRAINS AND PRIVIES.] *Ibid.* SEC. 4. The owner, agent or occupant having the charge of any tenement used as a dwelling, or for lodging purposes, within the city of Chicago, shall furnish the same with a sufficient drain, under ground, to carry off waste water, and also with a suitable privy, sufficient for the accommodation of all who may use it; nor shall the contents of any vault be allowed to accumulate within twelve inches of the even surface of the ground, or otherwise, being offensive.‡

24. HEALTH OFFICER—DUTIES AND SALARY.] *Ibid.* SEC. 5. It shall be the duty of the board of police commissioners of the city of Chicago to appoint some person who shall be known as health officer of the city of Chicago, and whose duty it shall be to see that all ordinances and laws affecting the health of the city are enforced, and who shall be liable to be removed from office by a majority of said board, and who shall be paid, out of the police fund, such salary as the said board may direct; and it shall be the duty of the police commissioners at all times to detail a sufficient police force to enable the said health officer to enforce the provisions of this act, as well

* *Post*, section 25.

† *Post*, section 27.

‡ *Post*, section 26.

as all health ordinances of the city of Chicago. It shall be the duty of the common council of Chicago to provide sufficient funds to enforce the provisions of this act.

25. PENALTY, VIOLATION OF SECTION 20.] *Ibid.* SEC. 6. Any person or corporation violating the provisions of the first section of this act,* shall be liable to a fine of one hundred dollars for each offense.

26. PENALTY FOR VIOLATION OF SECTION 23 AFTER NOTICE.] *Ibid.* SEC. 7. Any person or persons neglecting to comply with the provisions of section four† of this act, shall be liable to a fine of twenty-five dollars for failing to comply with the same within a reasonable time (not to exceed thirty days) after notice from the health officer of the city of Chicago, and a fine of five dollars for every day's neglect and failure thereafter to comply with the provisions of said section four.

27. PENALTY FOR VIOLATION OF SECTION 22 AFTER NOTICE.] *Ibid.* SEC. 8. Any person or persons, corporation or corporations, neglecting or refusing to comply with the provisions of section three of this act within a reasonable time (not to exceed thirty days) after being notified by the health officer of the city of Chicago to comply with the same, shall be liable to a fine of one hundred dollars, and fifty dollars per day for every day thereafter that he or they shall so refuse or neglect to comply with the provisions of said section third.‡

28. PENALTIES, HOW RECOVERED.] *Ibid.* SEC. 9. The penalties provided for in this act shall be recovered in an action of debt, to be brought in the name of the people of the state of Illinois, against the party offending, in any justice court or court of record in the county of Cook; one-half of the penalty or penalties shall go to the informer who may institute and prosecute such action, and the other half of such penalty shall go to the city of Chicago.

29. STATE'S ATTORNEY TO PROSECUTE.] *Ibid.* SEC. 10. It shall be the duty of the state's attorney for the county of Cook to institute and prosecute actions for all offenses under the [this] act which shall come or be brought to his knowledge, and when so instituted and prosecuted by him, he shall be entitled to one-half of such penalty as his fees, the other half going to the city of Chicago.

30. PROCEEDINGS FOR VIOLATION OF SECTION 21—STATE'S ATTORNEY TO FILE INFORMATION—INJUNCTION, WHEN TO ISSUE.] *Ibid.* SEC. 11. Any person or persons violating the second§ section of this act, shall be liable to a fine not less than one hundred dollars per day for every day they shall continue in violation of the same; and it shall be the duty of the health officer of said city of Chicago to at once enter upon and take possession of the premises and fixtures of said person so violating, and when said prohibited business is being conducted, and immediately thereafter file with the state's attorney of Cook county a sworn statement or complaint, setting forth facts of such seizure, and describing the premises seized, together with the name

* Section 20 of this chapter.

† Section 23 of this chapter.

‡ Section 22 of this chapter.

§ Section 21 of this chapter.

or names of the owner or owners thereof, and thereupon the state's attorney shall at once file an information in any court of record for the city of Chicago or county of Cook, in the name of the people of Illinois, and against the person or persons owning said establishment, and said information shall be tried and determined in the court where the same has been filed, with all convenient speed, giving the same precedence of all but criminal business in said court; and if the person or persons so charged in said information shall be adjudged guilty, then, in addition to the fine herein provided for, the costs shall be taxed against the defendant or defendants in said information, and the court shall issue a writ of injunction perpetually enjoining said establishment, and the owner or owners thereof, from renewing or continuing the said prohibited business. And it shall be the duty of the state's attorney to file an information against any person or persons owning or running any such establishment, upon the sworn complaint of any three citizens and freeholders of Chicago, and immediately upon the filing of the same, the court where the same may be filed shall issue process directed to the health officer of Chicago, or to the sheriff of Cook county, authorizing and requiring them, or either of them, to enter upon and seize the premises and fixtures where such business is being done, and retain possession of the same until a trial upon said information shall be had, as in this act before provided; and if the parties so charged shall be adjudged to be guilty, a writ of injunction shall issue from said court, perpetually enjoining said parties from renewing or continuing said business, but if adjudged not guilty, the premises and fixtures shall be restored to the owner or owners thereof.

31. FURTHER PROCEEDINGS IN CASE OF NUISANCE—WHEN MAY TAKE POSSESSION OF PREMISES.] *Ibid.* SEC. 12. If any person or persons, corporation or corporations, shall be engaged in rendering any dead animals, or grease of any description whatever, or in the manufacture, preparation or storage of any offal, blood or any other animal matter, or in the slaughtering or feeding of any animals, or in any other business tending to produce noxious or unwholesome matter, within the city of Chicago, or within four miles of the limits thereof, in such a manner as to create unwholesome or offensive odors, it shall be the duty of the state's attorney for Cook county, upon a complaint in writing, and under oath, filed with him, made by the health officer of said city, and whose duty it shall be, having knowledge of the fact, to make such complaint, upon like complaint made by any three residents and freeholders of Chicago, said complaint to set forth the fact of the carrying on of a business producing unwholesome, noxious or offensive odors, together with a description of the premises where the same is conducted, and the name or names, if the same can be ascertained, of the person or persons conducting such business, to file an information, in the name of the people of Illinois, in any court of record in and for the city of Chicago or county of Cook, against said establishment, or the persons carrying on the same; and immediately upon the filing of such information, process shall issue from the court whence such information shall be filed, directed to the health officer of the city of Chicago, or to the sheriff of Cook county, authorizing and requiring them, or either of them, to take possession of the premises and fixtures where

such business is being conducted, and retain possession of the same until a trial of said information shall be had, and to summon the person or parties in said information named, so to appear and answer the same forthwith. And it shall be the duty of the court in which such information may be filed, to proceed to the hearing of said information as soon as may be, giving the same precedence of all other causes, except criminal business; and if, upon the hearing of said cause, the person or persons against whom said information shall be filed, shall be found guilty as in said information charged, they shall be adjudged to pay the costs and fine of not less than one hundred dollars, nor more than five hundred dollars, and the court shall issue a writ of injunction, perpetually enjoining him or them from continuing such business in any offensive or injurious manner. In case the parties so charged shall not be found guilty, the property seized shall be at once restored to them. If in any case prosecuted under the eleventh and twelfth sections of this act,* there existed probable cause for the complaint or seizure, it shall be the duty of the court to so certify, and no action shall then lie against the party or parties making such complaint or seizure, and in that case the costs shall be paid by the city.

32. ACT WHEN TO TAKE EFFECT.] *Ibid.* SEC. 13. All ordinances heretofore passed by the common council of said city, and now in force, in relation to the abatement of nuisance, shall continue in full force and effect until altered, amended or repealed by the said common council, except so far as the provisions thereof may be inconsistent with the provisions of this act; and it shall be the duty of the common council to pass, from time to time, all such additional ordinances and regulations as may be found necessary or expedient for the carrying out of the objects of this act.†

33. PUBLIC ACT.] *Ibid.* SEC. 14. This act shall be deemed a public act, and be in force from and after its passage.

CHAPTER 18.

SCHOOLS AND SCHOOL FUND.‡

SECTION.

1. School fund of township 39, range 14, vested in city—Power of council to manage—To lease and convey school property.
2. Principal of the fund not to be impaired—Interest on, to be used only in paying teachers.
3. Powers of common council in reference to the management of schools and the school fund.

SECTION.

4. School agent—How appointed—Bond, etc.
5. School agent to have management of school fund.
6. Agent to give bond—Compensation of, to be paid out of school fund—Liabilities for misconduct.
7. School agent to report quarterly to the common council the amount of interest on hand.

* Section 30 and 31, this chapter.

† For ordinances see *ante*, pages 48 and 82.

‡ The first 23 sections of this chapter contain all the charter provisions which are not *clearly* inconsistent with act of 1872; *post*, section 24.

SECTION.

- To report to board of education monthly.
 School fund to be kept loaned—Securities required—Rate of interest.
 Securities to be taken in the name of the city.
 Borrower to pay expenses attending loan.
 Debts due school fund from deceased persons to be paid first.
 Interest at 15 per cent. to be charged from default in payment—Suits may be brought to recover interest.
 Judgments to bear 12 per cent. interest—Real estate sold on, may be bought by the city—Redemption.
 No judicial costs to be charged to school fund.
 If any debt becomes insecure, further security may be required—If not given, suit may be brought.
 School tax to be deposited with the city treasurer—To be kept a separate fund—Mode of disbursement.

SECTION.

18. One school to be established in each district—Free instruction to be given to children residing in city.
 19. Children of adjoining towns may be admitted.
 20. Board may confer collegiate degrees.
 21. Council may establish evening schools.
 22. No member of board to receive any gift, reward, etc.—Nor to be interested pecuniarily in sale of any book used in schools.
 23. No city property to be sold except by vote of three-fourths of aldermen—No rebate of school rents or valuation except by four-fifths vote of all aldermen.
 24. Provisions of act 1872, April 1st, creating new board of education and defining its powers and duties and powers of council in connection with such board.
 25. Officers responsible for loss of funds—No funds to be perverted to sectarian purposes—Interest in school books, etc.

1. SCHOOL FUND OF T. 39, R. 14—POWER OF COUNCIL—PROCEEDS HOW APPLIED.] *Act February 13, 1863, chap. 13.** SECTION 1. The school lands and school fund of township thirty-nine north, range fourteen east of the third principal meridian, shall be, and the same are hereby vested in the city of Chicago. The common council shall, at all times, have power to do all acts and things in relation to said school lands and school fund, which they may think proper to their safe preservation and efficient management; and sell or lease said lands, and all canal or other lots or lands, or other property, which may have been, or may hereafter be donated to the school fund, on such terms, and at such times, as the common council shall deem most advantageous; and, on such sale or sales, lease or leaseings, to make, execute and deliver all proper conveyances, which said conveyances shall be signed by the mayor and comptroller, and countersigned by the clerk, and sealed with the corporate seal: *Provided*, that the proceeds arising from such sales shall be added to, and constitute a part of, the school fund.

2. PRINCIPAL NOT TO BE IMPAIRED.] *Ibid.* SEC. 2. Nothing shall be done to impair the principal of said fund, or to appropriate the interest accruing from the same, to any other purpose than the payment of teachers in the public schools in said township.

3. POWERS OF COUNCIL AS TO SCHOOL LANDS, TAX FUND, ETC.] *Ibid.* SEC. 3. The common council shall have power:†

First. To erect, hire or purchase buildings suitable for school houses and keep the same in repair.

Second. To buy or lease sites for school houses with the necessary grounds.

Third. To furnish schools with the necessary fixtures, furniture and apparatus.

Fourth. To establish, support and maintain schools and supply the inadequacy of the school fund for the payment of the city teachers from school taxes.

Fifth. To lay off and divide the city into school districts, and, from time to time, alter the same or create new ones as circumstances may require.

Sixth. And generally, have and possess all the rights, powers and author-

* See *post*; section 24.

† Several of the powers granted by this section are inconsistent with Act approved April 1, A. D. 1872; *post*, section 24.

ity necessary for the proper management of schools and the school lands and funds belonging to the township, with power to enact such ordinances as may be necessary to carry their powers and duties into effect.

4. SCHOOL AGENT—HOW APPOINTED—BOND, ETC.] *Act February 16, 1865.* SEC. 9. The school agent of said city shall be appointed, biennially, by the board of education, by and with the advice and consent of the common council; and shall receive such annual salary as shall, from time to time, be fixed by the board of education, subject to the approval of the common council, and, before he shall enter upon the duties of his office, he shall execute a bond to the city of Chicago, in such sum and with such securities as the common council shall approve. The school agent so appointed may be removed at any time by the common council, upon the recommendation of said board, and he shall make such reports, from time to time, to the said board and the common council, concerning the condition of the school funds, as they, or either of them, may require. The first appointment of school agent under the provisions of this section, shall be made on the second Monday of May next, or as soon thereafter as may be.*

5. POWER OF SCHOOL AGENT.] *Act February 13, 1863, chap. 13.* SEC. 4. The school agent shall have the custody and management of the money, securities, and property belonging to the school fund, subject to the direction of the common council.†

6. BOND—COMPENSATION.] *Ibid.* SEC. 5. The school agent, before entering upon his duties, shall give bond in such amount, and with such conditions and sureties, as the common council may require. His compensation shall be paid out of the school fund; and he shall be subject, for misconduct in office, to the same penalties and imprisonment, as school commissioners are or may be subject to, by law.

7. SCHOOL AGENT REPORT TO COUNCIL QUARTERLY.] *Ibid.* SEC. 21. It shall be the duty of the agent of the school fund to report, at the end of each quarter, to the common council, the amount of interest on hand, and to give the board of education such information as they may, from time to time, request in reference thereto.

8. REPORT TO BOARD OF EDUCATION MONTHLY.] *Act February 15, 1865.* SEC. 30. It shall be the duty of the school agent to report to the president of the board of education, on the first day of each month, the condition of the school fund derivable from all sources, specifying the amount of money on hand and the amount received and expended during the month just terminated. This report shall be presented to the board at its next regular meeting, and be entered upon its minutes.

9. SCHOOL FUND TO BE KEPT LOANED—SECURITY.] *Act February 13, 1863, chap. 13.* SEC. 6. The school fund shall be kept loaned at interest, at the rate of twelve per cent. per annum, payable semi-annually, in advance. No loan shall be made, hereafter, for a longer period than ten years, and all loans shall be secured by unincumbered real estate of double the value of the sum loaned, exclusive of the value of perishable improvements thereon:

* *Ante*, chapter 2, section 6, and chapter 3, section 3.

† See *post*, section 24.

Provided, the common council shall have power to reduce the rate of interest, by a vote of two-thirds of all the aldermen elected; and they may also, by a like vote, authorize the investment of said funds in the bonds of the city of Chicago.

10. SECURITIES TO BE TAKEN IN NAME OF CITY.] *Ibid.* SEC. 7. All notes and securities shall be taken, to the city of Chicago, for the use of the inhabitants of said township, for school purposes; and in that name, all suits, actions, and every description of legal proceedings, may be had.*

11. EXPENSES OF LOAN.] *Ibid.* SEC. 8. All expenses of preparing or recording securities shall be paid, exclusively, by the borrower.

12. PREFERENCE OF SCHOOL FUND.] *Ibid.* SEC. 9. In the payment of debts of deceased persons, those due the school fund shall be paid in preference to all others, except expenses attending the last illness and funeral of the deceased, not including the physician's bill.

13. DEFAULT IN PAYMENT OF INTEREST.] *Ibid.* SEC. 10. If default be made in the payment of interest, or of the principal, when due, interest at the rate of fifteen per cent. upon the same shall be charged from the default, and may be recovered by suit or otherwise. Suits may be brought for the recovery of interest only, when the principal is not due.

14. INTEREST ON JUDGMENTS—REDEMPTION.] *Ibid.* SEC. 11. All judgments recovered for interest or principal, or both, shall respectively bear interest at twelve per cent. per annum, from the rendition of judgment, until paid; and in case of the sale of real estate thereon, the city of Chicago may become the purchaser thereof, for the use of the school fund, and shall be entitled to the same rights given by law to other purchasers. On redemption, twelve per cent. interest shall be paid from the time of sale.

15. NO COURT COSTS TO BE CHARGED TO SCHOOL FUND.] *Ibid.* SEC. 12. No costs made in the course of any judicial proceeding, in which the city of Chicago for the use of the school fund may be a party, shall be chargeable to the school fund.

16. INSECURE DEBTS—PROCEEDINGS, ETC.] *Ibid.* SEC. 13. If the security on any loan should, at any time before the same is due, become, in the united judgment of the school agent and common council, insecure, the agent shall notify the person indebted, thereof; and, unless further satisfactory security shall be forthwith given by the debtor, judgment may be recovered thereon, as in other cases, although no condition to that effect be inserted in the note or other security.

17. SCHOOL TAX FUND.] *Ibid.* SEC. 14. The school tax fund shall be paid into the city treasury and be kept a separate fund for the building of school houses and keeping the same in repair, and supporting and maintaining schools; and shall be drawn out only in payment of bills approved by the board of education, on the warrant of the comptroller, countersigned by the president of the board of education and the mayor.†

18. ONE SCHOOL TO BE ESTABLISHED IN EACH DISTRICT—FREE INSTRUCTION.] *Act February 16, 1865.* SEC. 5. There shall be established,

* See *post*, section 24.

† *Post*, section 25.

in said city, at least one common school in each school district now, or hereafter to be, created, and free instruction within their respective districts shall be given, in said schools, to all children, residing within the limits of the city, who are over the age of six years and who may be sent to or attend such school, subject to such rules and regulations as may be established by the common council, or board of education, pursuant to the provisions of this act, and the act to which this an amendment.*

19. CHILDREN OF ADJOINING TOWNS.] *Ibid.* SEC. 6. The board of education shall have power to admit to the public schools of said city, children residing within those towns of Cook county which immediately adjoin the said city, upon such terms and conditions as said board may prescribe.

20. BOARD MAY CONFER COLLEGIATE DEGREES.] *Act March 9, 1867, chap. 7.* SEC. 7. The board of education shall have power to confer the usual collegiate degrees, whenever they shall deem it best for the educational interests of the city, and to prescribe the necessary and proper rules for the same.

21. COUNCIL MAY ESTABLISH EVENING SCHOOLS AND LEVY TAXES FOR THEIR SUPPORT.] *Ibid.* SEC. 9. The common council is empowered to establish evening schools, the same to be under the control of the board of education, and the funds for their support to be raised by special appropriation by the common council.

22. NO MEMBER OF BOARD TO RECEIVE GIFT, REWARD, ETC.] *Act February 13, 1863, chap. 13.* SEC. 28. It shall be unlawful for the superintendent, or any member of the board, to receive, either directly, or indirectly, any fee, gift or reward from any book-publishing concern, book agent or book seller, or to act as agent or attorney for any book-publishing concern, book agent or book seller, or to be pecuniarily interested in the sale or publication of any book used in the public schools; and any violation of these provisions shall subject the offender to immediate removal from office by the common council.

23. HOW CITY PROPERTY SOLD, AND SCHOOL RENTS REBATED.] *Act March 15, 1869.* SEC. 11. No property belonging to the city of Chicago, or to the school fund of said city, shall be sold or conveyed, except upon a vote of three-fourths of all the aldermen by law authorized to be elected, and no abatement shall be made by the common council of said city to any party who shall in any way hold any property, as lessee or otherwise, belonging to the school fund of said city, unless by a vote of at least four-fifths of all the members of the common council of said city; and no abatement shall be made on the assessed value of any such property, unless by a vote of at least four-fifths of all the members of the common council of said city.†

24. PROVISIONS OF ACT APRIL 1, 1871, CREATING NEW BOARD OF EDUCATION AND DEFINING ITS POWERS AND DUTIES.] *Act April 1, 1872.* SEC. 80. * * * In cities having a population exceeding one hundred thousand inhabitants, the board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council:

* Amendatory of act of February 13, 1863. *Post*, section 24.

† See next section.

First. To erect or purchase buildings suitable for school houses, and keep the same in repair.

Second. To buy or lease sites for school houses, with the necessary grounds.

Third. To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

The board of education shall have power—

First. To furnish schools with the necessary fixtures, furniture and apparatus.

Second. To maintain, support and establish schools, and supply the inadequacy of the school funds, for the salaries of school teachers, from school taxes.

Third. To hire buildings or rooms for the use of the board.

Fourth. To hire buildings or rooms for the use of schools.

Fifth. To employ teachers, and fix the amount of their compensation.

Sixth. To prescribe the school books to be used, and the studies in the different schools.

Seventh. To lay off and divide the city into school districts, and, from time to time, to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be necessary or deemed expedient for such purpose. Schools in such cities shall be governed as hereinafter stated, and no power given to the board shall be exercised by the city council. The board of education shall have the entire superintendence and control of the schools, and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of scholars, and the government of schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner; to prescribe what studies shall be taught, what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismissal. They shall have power to apportion the scholars to the several schools. It shall be their duty to establish all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary. They shall determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation. It shall be the duty of the said board to take charge of the school houses, furniture, ground and other property belonging to the school districts, and

see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessities for the schools as in their opinion may be required in the school houses or other property belonging to said districts. The said board shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties and compensation and terms of office; and the said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular meeting of the board. It shall be the duty of the board to report to the city council, from time to time, any suggestions that they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of such schools and districts. The board of education shall prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures. They shall also communicate to the city council, from time to time, such information within their possession as may be required. They shall have power to lease school property and to loan moneys belonging to the school fund; but all conveyances of real estate shall be made to the city in trust for the use of schools, and no sale of real estate or interest therein used for school purposes or held in trust for schools, shall be made except by the city council, upon the written request of such board of education. All moneys raised by taxation for school purposes, or received from the state common school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk; but said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the state common school fund, the rental of school lands, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure, the city shall not, in any case, be liable therefor. From and after the time this act shall take effect, the board of education in such cities shall consist of fifteen members, to be appointed by the mayor, by and with the advice and consent of the common council, five of whom shall be appointed for the term of one year, five for the term of two years, and five for the term of three years; and at the expiration of the term of any members of said board, their successors shall be appointed in like manner. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council, for the unexpired term. Any person having resided in such city more than five years next preceding his appointment, shall be eligible to said office. Nothing herein shall be so construed as to authorize any board of education to levy or collect taxes, or to require the city council to levy and collect any tax upon the demand or under the direction of such board of education.

25. OFFICERS RESPONSIBLE FOR FUNDS—FUNDS NOT TO BE PERVERTED TO SECTARIAN PURPOSES—NO TEACHER INTERESTED IN SCHOOL-BOOKS.]

Ibid. SEC. 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois, for use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured. No county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money or other personal property ever be made by any such corporation to any church, or for any sectarian purpose; and any officer or other person, having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and, upon conviction, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court. No teacher, state, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state with which such officer or teacher may be connected, and for offending against the provisions of this section shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five nor more than five hundred dollars and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

CHAPTER 19.

PUBLIC LIBRARY.

SECTION.

1. Power to establish public library and reading-room—To levy tax not to exceed 1-5 of a mill annually.
2. Directors, how appointed.
3. Term of office.

SECTION.

4. Vacancies how filled.
5. Organization of board of directors.
6. Library and reading-room to be free to all inhabitants of the city.

SECTION.

7. Annual report to be made to city council—
What to contain.8. Council, power to pass ordinances imposing
penalties for injuries to library, etc., or
failure to return books.

SECTION.

9. Donations and bequests may be made to—How
the same are to be controlled.

10. Emergency clause.

1. TAX—LIBRARY FUND.] *Act March 7, 1872.* SECTION 1. That the city council of each incorporated city shall have power to establish and maintain a public library and reading-room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar, annually, and in cities of over one hundred thousand inhabitants, not to exceed one-fifth of one mill annually, on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."*

2. DIRECTORS.] *Ibid.* SEC. 2. When any city council shall have decided to establish and maintain a public library and reading-room, under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board.†

3. TERM OF OFFICE OF DIRECTORS.] *Ibid.* SEC. 3. Said directors shall hold office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

4. VACANCIES.] *Ibid.* SEC. 4. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.‡

5. ORGANIZATION OF BOARD.] *Ibid.* SEC. 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other

* See chapter 11, section 9. For ordinance in relation to library, see *ante*, part II, chapter 3, page 101

† See *ante*, chapter 3, section 3.

‡ *Ante*, charter 3, section 3.

moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading-room.

6. TO BE FREE.] *Ibid.* SEC. 6. Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules.

7. DIRECTORS' REPORT.] *Ibid.* SEC. 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest; all such portions of said report as relate to the receipt and expenditure of money, as well the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

8. COUNCIL IMPOSE PENALTIES.] *Ibid.* SEC. 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

9. DONATIONS.] *Ibid.* SEC. 9. Any person desiring to make donations of money, personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

[Sections 10 and 11 of this act refer exclusively to public libraries in incorporated towns, villages and townships.]

10. EMERGENCY CLAUSE.] *Ibid.* SEC. 12. Whereas, all the libraries of Chicago were destroyed by the recent fire in that city, and large donations of books have been made to found a free library, and, whereas, no suitable building or organization exists to receive or preserve them, therefore an emergency exists that this law shall take effect immediately: therefore this act shall take effect and be in force from and after its passage.

CHAPTER 20.

REFORM SCHOOL.*

SECTION.

1. Reform school continued in existence—The common council may change its location—Power to purchase grounds and erect buildings therefor.
2. Government of the school vested in the board of guardians—Officers of the board—Quorum
3. General duties of the board—Appointment of superintendent and other officers.
4. School to be visited by one or more guardians at least every fortnight—Annual report to be made to common council.
5. Duties of superintendent—Discharge of the inmates—To reside at the school.
6. Superintendent to have charge of the lands and buildings—To give bond—To keep accounts of receipts and expenditures—To keep a register of all inmates.
7. Commitments to reform school, when and how made—Powers of commissioner.
8. Commitments by courts of record.
9. Boys committed, to be detained until the age of twenty-one, unless sooner discharged or bound out by the board—Guardians clothed with sole authority to discharge—When found incorrigible, boys may be returned to committing court or magistrate.

SECTION.

10. Guardians authorized to bind out boys as apprentices or servants Tickets of leave.
11. Guardians empowered, with concurrence of common council, to establish a reform school for girls.
12. Annual estimate, to be furnished by the board, of amount required for maintaining the school—Moneys raised, how disbursed.
13. Warrants of commitment, how drawn.
14. Parents and guardians may place children in the school—To pay such sums as may be agreed upon.
15. Penalty for procuring escape of children from the school.
16. Judges of courts of record only, to commit to reform school—Proceedings—To perform duties required by prior laws, of commissioner, etc.
17. Children in school transferred to state reform school at Pontiac, by act of March 15, 1872.
18. Providing for certified copies of papers, relating to children transferred, to be sent to officers of state reform school.
19. Emergency clause of act of March 15, 1872.

1. REFORM SCHOOL—LOCATION MAY BE CHANGED.] *Act February 13, 1863, chap. 14.* SECTION 1. The reform school, heretofore established by the city of Chicago, shall be continued in existence, as a school or place for the safe keeping, education, employment and reformation of all children in said city between the ages of six and sixteen years, who are destitute of proper parental care, and growing up in mendicancy, ignorance, idleness or vice. The common council may hereafter, in its discretion, change the location of said reform school, and purchase grounds and erect and maintain all necessary buildings therefor.

2. OFFICERS OF—GOVERNMENT.] *Ibid.* SEC. 2. The government of said school shall be vested in a board, consisting of the comptroller and six guardians, to be appointed in the manner hereinbefore prescribed. The said board shall appoint a president, vice-president and secretary, from their own number; and a majority of the board shall constitute a quorum for the transaction of business.

3. BOARD OF GUARDIANS—DUTIES—SUPERINTENDENT.] *Ibid.* SEC.

* By reference to act March 15, 1872 (*post*, section 17, *et seq*), it will be seen that the inmates of the Chicago Reform School, were directed to be transferred to the State School at Pontiac, but as the act does not expressly repeal the charter provisions it is deemed proper to insert them.

3. It shall be the duty of the said board of guardians, to take charge of the general interests of said school; to see that its affairs are conducted in accordance with the requirements of this act; to see that strict discipline is maintained therein; to provide employment for its inmates; to appoint a superintendent and such other officers as the wants of the school may from time to time require, and to prescribe their duties; to exercise a vigilant supervision over said school, its officers and teachers, and to determine their salaries; such salaries to be subjected to the approval, regulation or alteration of the common council.

4. GUARDIANS TO VISIT SCHOOL—REPORT.] *Ibid.* SEC. 4. One or more of said guardians shall visit the school at least once in every two weeks, at which time the school, in all its departments, shall be examined. A record shall be regularly kept of such visits in the books of the superintendent. An annual report shall be made by the board of guardians to the common council, on or before the 10th day of April, exhibiting the condition of the school and giving a detailed account of its affairs for the preceding year.

5. SUPERINTENDENT'S DUTIES.] *Ibid.* SEC. 5. The superintendent, with such subordinate officers as the guardians shall appoint, shall have the charge and custody of the children; he shall himself be a constant resident at the institution, and shall discipline, govern, instruct, employ, and use his best endeavors to reform the inmates, in such manner as, while preserving their health, will secure the formation, as far as possible, of moral and industrious habits, and regular and thorough progress and improvement in their studies, trades, and various employments.

6. TO HAVE CHARGE OF BUILDINGS, ETC.—KEEP ACCOUNTS—REGISTER.] *Ibid.* SEC. 6. The superintendent shall, under the direction and control of the board, have charge of the lands, buildings, furniture, tools, implements, stock and provisions, and every other species of property pertaining to the institution, within the precincts thereof. He shall, before he enters upon the duties of his office, give a bond to the city of Chicago, with sureties to be approved by the common council, in the sum of one thousand dollars, conditioned that he shall faithfully perform all the duties incumbent on him as such superintendent. He shall keep in suitable books, regular and complete accounts of all his receipts and expenditures, and a complete enumeration of all property intrusted to him. He shall also exhibit in said books the income, from whatever source, of said institution and school land; he shall account to the treasurer of the city, in such manner as the guardians may require, for all moneys received by him from the proceeds of the land, the work and labor of the inmates, or otherwise. His books, and all documents relating to the school, shall at all times be open to the inspection of the guardians, who shall, at least once in every three months, carefully examine the said books and accounts, and the vouchers and documents connected therewith, and make a record of the result of such examination, in books to be kept by said guardians. He shall keep a register, containing the name and age of each child, and the circumstance connected with his early history; and he shall add such facts as may come to his knowledge, relating to the subsequent history of such children, while in the school, and

after being discharged therefrom. He shall at all times be subject to removal by the board of guardians, and shall be governed by the rules and regulations they may establish.*

7. COMMITMENTS TO SCHOOL—EXAMINATIONS BY COMMISSIONER, ETC.]

Ibid. SEC. 8. Whenever any police magistrate or justice of the peace, within the city of Chicago, shall have brought before him any male within the ages of six and sixteen years of age, who, he has reason to believe, is a vagrant, or destitute of proper parental care, or is growing up in mendicancy, ignorance, idleness, or vice, he shall cause such person, together with the warrant on which he was arrested, and the list of witnesses which may be necessary to establish the situation and condition of such person, to be transmitted to said commissioner; and thereupon it shall be the duty of such commissioner to issue a summons or order in writing, addressed to the father of said person, if he be living and resident within the city, and if not, then to his mother, if she living and so resident, and if not, then to his lawful guardian, if any there be, resident within said city, and if, on examination, it shall appear that such boy has neither father, mother nor guardian, so resident, then to the person with whom, according to the examination and testimony, if any, received by such commissioner, the said boy shall reside; and if there be no person with whom he steadily resides, the commissioner may, at his discretion, appoint some suitable person to act in his behalf, requiring him or her, as the case may be, to appear before him, at such time and place as he shall in said summons or order appoint, and to show cause, if any there be, why the said boy shall not be committed to the reform school. And upon the appearance before him of the party named in said summons or order, or if, after due service had of the summons or order aforesaid, there shall be no such appearance, the said commissioner shall, upon the expiration of the time named in said summons or order for said appearance, proceed to examine said boy, and the party appearing in answer to said summons or order, if any such there be, and to take such testimony in relation to the case as may be produced before him; and in case it shall be proven to the satisfaction of the commissioner, by such examination, or by competent testimony, that said boy is a suitable subject for the reform school, and that his moral welfare and the good of society require that he should be sent to said school, for instruction, employment and reformation, he shall so decide, and shall, thereupon, certify his said opinion and decision to said magistrate or justice of the peace, as near as may be, in the following words:

To A. B., Esq., a Justice of the Peace:

I hereby certify, that _____ has been examined by me agreeably to the statute, and, upon competent evidence, proved to be a suitable person for commitment to the Reform School.

C. D., Commissioner.

And thereupon, said magistrate or justice of the peace shall commit such

*Section 7 of act February 13, 1863, providing for the appointment, by the board of guardians, of a commissioner, repealed by act of March 5, 1867, see *post*, section 16.

person to the reform school; and such commitment shall be by warrant, in substance, as follows:

Any Sheriff, Constable or Police Officer within the city of Chicago:

You are hereby commanded to take charge of ————, a boy above the age of six and under the age of sixteen years, who has been found by competent evidence to be a suitable subject for commitment to the Reform School, and a proper object for its care, discipline, and instruction, and to deliver said boy, with this warrant, without delay, to the superintendent or other officer in charge of said school, at the place where the same is established; and for doing this shall be your sufficient warrant.

———, J. P.

Dated at the city of Chicago, in the county of Cook, this — day of —, A. D: 18—.

But no variance from the preceding form shall be deemed material, provided it sufficiently appear, upon the face of the warrant, that the said boy is committed in exercise of the powers given by this act. And in case said commissioner shall be of opinion, and shall decide and certify that such boy is not a proper subject for commitment to the reform school, he shall order such boy, with the warrant, to be transmitted back to such police magistrate or justice of the peace, who shall thereupon deal with him in the same manner he would have done had he not been transmitted to or examined by said commissioner. And said commissioner shall, in the performance of his duties, under and by virtue of this act, be clothed with the powers of a justice of the peace to compel the attendance of witnesses, and all other persons whose attendance and presence may be necessary to enable him to fully investigate the situation of all persons who may be brought before him; and the police officers of said city shall be subject to his direction, and shall serve, when called upon for that purpose, any summons, order or warrant issued to him.*

8. COMMITMENT BY COURTS OF RECORD.] *Ibid.* SEC. 9. Whenever any male, under the age of sixteen years and over the age of six years, shall be convicted in any court having criminal jurisdiction in the county of Cook, of any offense punishable by fine or imprisonment, who, in the opinion of the court, would be a fit and proper subject for commitment to said reform school, such court shall make an order committing such boy to said reform school; and, thereupon, it shall be the duty of said court, by warrant in due form of law, to commit such boy to said reform school; and all warrants shall designate the offense or complaint for which such commitment is made, and the age of the boy; but no warrant shall be held invalid for want of form, and the same may be served by the sheriff or any constable of Cook county, who shall execute the same, and deliver the boy or boys named in such warrant to the superintendent of the reform school, with the warrant, and for such services shall be paid the same fees as are now provided in case of the commitment of a criminal to the county jail, for an offense punishable by imprisonment therein: *Provided, however,* that such boys only shall be committed to said reform school as, in the opinion of the court, are in need of and will be benefited by the reformatory influence of said school, the said

* *Post*, section 16.

school being intended as an educational and reformatory institution, rather than as a prison or place of punishment.*

9. BOYS TO BE DETAINED UNTIL AGED 21—MAY BE DISCHARGED, ETC.] *Ibid.* SEC. 10. Every boy above the age of six and under the age of sixteen, who shall be legally committed to said school, as hereinbefore provided, shall be kept, disciplined, instructed, employed and governed, under the direction of the board of guardians of said school, until he be either reformed and discharged, or be bound out by said guardians, or until he shall have arrived at the age of twenty-one years; and said guardians are hereby clothed with the sole authority to discharge any boy or boys from said reform school, who have heretofore been or may hereafter be legally committed thereto; and such power shall rest solely with said board of guardians and with no other persons or body politic or corporate; but it shall be the duty of said board of guardians, and they shall have the power, to return any boy to the court, police justices or other authorities, ordering or directing said boy to be committed, when, in the judgment of said guardians, they may decree said boy an improper subject for their care and management, or who shall be found incorrigible, or whose continuance in the school they may deem prejudicial to the management and discipline thereof, or who, in their judgment, ought to be removed from such school for any cause; and, in such case, said court, police justice or other authorities shall have power, and are required, to proceed as they might have done, had they not ordered the commitment to such school.

10. BOYS MAY BE APPRENTICED—TICKETS OF LEAVE.] *Ibid.* SEC. 11. Said guardians shall have power to bind out all boys committed to their charge, for any term of time, until they shall have arrived at the age of twenty-one years, as apprentices or servants, to any inhabitant of this state; and the said guardians and master or mistress, apprentice or servant, shall respectively have all the rights and privileges, and be subject to all the duties set forth by the statute laws of this state, relative to apprentices and guardians and wards: and shall have the same power as overseers of the poor, or mayor and aldermen, and the same clauses and provisions, required to be inserted in the indentures of apprentices, in such cases, shall be inserted in all indentures that may be executed by the said guardians. No person receiving such apprentice, under the provisions of this act, shall transfer the indenture; and the said board of guardians shall have power, in all cases, when, in their judgment, it shall be beneficial to the boy, to cancel such indentures of apprenticeship, for cruelty, negligence or other improper conduct, or for removal from the state, and recover possession of the child apprenticed. Said guardians shall also have power to permit such boys, as they shall judge fit subjects for such treatment, to be placed out under the care of any proper person or persons in this state, on "tickets of leave," and such boys, so placed out, may be kept and retained, by such person or persons, during the pleasure of said board of guardians, and subject at all times to their control and regulation.

* Post, section 16.

11. GIRLS' REFORM SCHOOL.] *Ibid.* SEC. 12. The board of guardians of said reform school are hereby authorized, with the concurrence of the common council, to establish a branch reform school for girls under the age of sixteen years and over the age of six years; and, for that purpose, to purchase such lands and erect such buildings thereon, as, in their judgment, are required; and such girls may, for the same causes, and by the same courts, and in the same manner, be committed to such branch reform school, as boys may be to the reform school, and all statutes and ordinances relative to the power, management, and control of said reform school by the board of guardians, are hereby made applicable to said branch reform school, and the same powers are delegated to and vested in them in relation to the same; and all ordinances and statutes regulating the powers of police magistrates, justices of the peace, and other courts, and of the commissioner, shall, in all respects, be made applicable to girls under the age of sixteen and over the age of six years, where they are found destitute of proper parental care, or leading a vicious life, or are found in streets, highways, or public places, in circumstances of want, suffering, neglect or exposure.

12. ANNUAL ESTIMATE OF EXPENSE, TAXATION FOR—WARRANTS.] *Ibid.* SEC. 13. It shall be the duty of the board of guardians to prepare and submit to the comptroller, on or before the first day of May in every year, an estimate of the whole amount required to be raised by taxation, for providing for and maintaining the said reform school during the current fiscal year, which estimate shall be in detail, and shall be laid by said comptroller before the common council, with his annual estimate. The common council may revise said estimate; and the aggregate amount of the sums required after such revision, not exceeding the authorized per centage, shall be provided for in the general tax levy to be laid on said city. Said money, when collected, shall be paid into the city treasury, and shall be styled the reform school fund, and shall be drawn out only in payment of bills approved by the board of guardians, on the warrant of the comptroller, countersigned by the president, or, in his absence, by the vice-president of said board, and the mayor. But this section shall not be construed as repealing any of the provisions of the act to incorporate the Roman catholic asylum of the diocese of the catholic bishop of Chicago.

13. WARRANTS OF COMMITMENT—HOW DRAWN.] *Act March 5, 1867.* SEC. 1. That warrants for commitment of any child to the Chicago reform school, shall run in the name of the people of the state of Illinois. And all warrants on which any boy has heretofore been committed may be amended by the authority issuing the same, or their successors in office, by inserting the words, "The People of the state of Illinois" over such mittimus, and thereafter the same effect shall be given to such mittimus as if such words had been originally inserted.

14. PARENTS AND GUARDIANS—POWER TO PLACE CHILDREN IN SCHOOL.] *Ibid.* SEC. 2. Parents and guardians are hereby permitted and empowered to place in said school, by permission of the guardians and superintendent of said school, any child of theirs, or under their control, between the ages of six (6) and sixteen (16) years, and when said child is so received,

it shall be subject to the same rules, and may be held for the same time, and on the same terms, in every respect, as if it had been committed to said school by the provisions of law in reference to said school, and shall be discharged from said school in the same manner as by law the other inmates of said school are discharged, and said parent or guardian shall pay the officers of said school, for the use of the reform school fund, such sums annually as may be agreed upon by the parties.

15. PROCURING ESCAPE FROM — PENALTY.] *Ibid.* SEC. 3. If any officer or other person procure the escape of any boy or girl, committed to the Chicago reform school, or connive at or aid, conceal or assist in any such escape, or assist any person after such escape, he, she or they shall, upon conviction thereof, pay a fine not exceeding one hundred dollars (\$100) and be confined in the county jail not exceeding six (6) months.

16. JUDGES OF COURTS OF RECORD ONLY TO COMMIT—PROCEEDINGS.] *Ibid.* SEC. 4. That section seven (7) of chapter fourteen (14) of an act approved February 13th, 1863, entitled "An act to reduce the charter of the city of Chicago, and the several acts in amendment thereof into one act, and to revise the same," be and the same is hereby repealed, and that the duties of commissioner, imposed by section eight (8) of said act, be performed by either of the judges of the superior or circuit court in said city, and whenever any police magistrate or justice of the peace of said city, shall have brought before him any boy or girl within the ages of six (6) or sixteen (16) years, who he has reason to believe is a vagrant, or is destitute of proper parental care, or is growing up in mendicancy, ignorance, idleness or vice, he shall cause such person, together with the warrant on which he was arrested, and the list of witnesses which may be necessary to establish the situation and condition of such boy or girl, to be transmitted to one of the judges of the superior or circuit court, either in term time or vacation, and thereupon it shall be the duty of such judge to proceed in the same manner, and give the same notice as the said commissioner is in said section eight (8) required to give, and if upon such examination said judge shall be of opinion that the said boy or girl is a proper subject for commitment to the reform school, and that his moral welfare, and the good of society, require that he should be sent to said school for instruction, employment and reformation, he shall so decide, and shall direct the clerk of the court of which he is judge to make out a warrant of commitment to said reform school, and such child shall thereupon be committed, and such judge and the clerk of the court shall receive of the city of Chicago the same fees that are prescribed by law for fees in civil cases.*

17. CHILDREN IN SCHOOL TRANSFERRED TO PONTIAC.] *Act March 15, 1872.* SEC. 1. That the governor of the state of Illinois is hereby directed to provide for the transfer and removal of all boys in the Chicago reform school, who are now undergoing any definite sentence of confinement therein, to Pontiac, where they shall be delivered to the custody of the proper officers of the state reform school, who shall receive them, there to

* See next section.

be kept in confinement, in accordance with the laws for the government of said state reform school, and in accordance with the terms of the respective sentences under which they are now confined in the Chicago reform school: *Provided*, that none of the conditions under which any of said boys are now suffering confinement shall, in anywise, be impaired under this act.

18. CERTIFIED COPIES OF PAPERS, ETC., DIRECTED TO BE DELIVERED TO STATE SCHOOL.] *Ibid.* SEC. 2. The officers having the custody of the inmates of the Chicago reform school shall deliver, to the officer receiving the said boys into the said state reform school at Pontiac, certified copies of all papers and records connected with and authorizing the confinement of the said boys; and the said officers of the state reform school are hereby authorized and required to hold in confinement, and at the proper time to discharge from confinement, all of said boys herein required to be delivered to their custody, in strict conformity to the terms of commitment of the said boys of the Chicago reform school, as set forth in said certified copies of papers and records, and of all other legal records referring thereto. All expenses of the transfer of said boys from Chicago to Pontiac shall be paid by the city of Chicago. And hereafter the courts of competent jurisdiction in the city of Chicago and in the county of Cook, shall have the same authority to sentence juvenile offenders of the ages prescribed by law to the state reform school at Pontiac, as is granted by law to other courts in this state.

19. EMERGENCY CLAUSE OF ACT MARCH 15, 1872.] *Ibid.* SEC. 3. Whereas, in consequence of the great destruction of property in Chicago, by fire, an emergency exists which requires the immediate removal of the boys from the Chicago reform school, and that this act shall take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

CHAPTER 21.

HOUSE OF CORRECTION.*

SECTION.

1. City may establish a house of correction.
2. Board of inspectors to manage—How constituted and appointed.
3. Inspectors establish rules and regulate discipline—General powers.
4. Inspector's duties—Records.
5. Books and accounts to be kept.
6. Further reports—Power to remove officers.
7. Superintendent—His powers and duties.
8. May contract with county to receive certain convicts.

SECTION.

9. County convicts, when committed to.
10. Transportation of convicts provided for.
11. Former laws modified.
12. House of shelter for females.
13. Expenses, how paid.
14. United States convicts may be received, when.
15. Existing bridewells—Name of, changed.
16. Salary of superintendent—Record of discipline.
17. Official oaths and bonds.
18. Repealing clause.

* In force July 1, 1871.

1. CITIES MAY ESTABLISH.] *Act April 25, 1871.* **SECTION 1.** That it shall be lawful for the municipal authorities of any city within this state to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this state or ordinance of any city authorizing the confinement of convicted persons in any such house of correction.

2. BOARD OF INSPECTORS—HOW CONSTITUTED AND APPOINTED.] *Ibid.* **SEC. 2.** The management and direction of any house of correction already established, or which may hereafter be established in any such city, shall be under the control and authority of a board of inspectors to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board, who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of said board, for one, two and three years from and after the first Monday in May, A. D. one thousand eight hundred and seventy-one; and thereafter one member shall be appointed each year for the full term of three years.

3. ADOPT RULES FOR DISCIPLINE—FIX COMPENSATION, ETC.] *Ibid.* **SEC. 3.** That whenever a board of inspectors have been organized, as in section second of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employes thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city.

4. NO COMPENSATION TO INSPECTORS—THEIR DUTIES.] *Ibid.* **SEC. 4.** Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board at the house of correction once in every three months, when they shall fully examine into the management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine; and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. One of said appointed inspectors shall visit the said house of correction once, at least, in each month. All rules, regulations, or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and with the other books and records of said house of correction shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any such city.

5. BOOKS AND ACCOUNTS TO BE KEPT.] *Ibid.* SEC. 5. Books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners; the number received and discharged; the number employed as servants, or in cultivating and improving the premises; the number employed in each branch of industry carried on, and the receipts from and expenditures for and on account of each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, from whom received, and to whom paid, and for what purpose, proper vouchers for each to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January, of each year, and a full report of the operations of the preceeding year shall be made out and shall be submitted to the legislative authority of said city, and to the governor of the state, to be by him transmitted to the general assembly, and such report shall be published in the corporation newspaper thereof.

6. FURTHER REPORTS—REMOVAL OF OFFICERS.] *Ibid.* SEC. 6. The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may, with the approval of the mayor, remove any inspector of said institution. But any subordinate officer or employe may be removed by the superintendent at his discretion; but immediately upon the removal of such officer or employe, he shall report to said board the name of the person removed and the cause of such removal.

7. SUPERINTENDENT—HIS POWERS AND DUTIES.] *Ibid.* SEC. 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor, by and with the consent of said board of inspectors, and shall hold his office for four years, and until his successor shall have been duly appointed and qualified. But he may be removed by the inspectors at any time when in their judgment it shall be advisable. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof, and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof, and the safe keeping of prisoners.

8. AGREEMENT WITH COUNTIES.] *Ibid.* SEC. 8. The board of supervisors or commissioners of any county in this state, shall have full power

and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of said city, to receive and keep in said house of correction, any person or persons who may be sentenced or committed thereto by any court or magistrate in any of said counties, for any term not less than thirty days. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners, for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.*

9. COUNTY CONVICTS COMMITTED.] *Ibid.* SEC. 9. In counties having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate, in such county, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, there to be received and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such persons, so sentenced, to be forthwith conveyed, by some proper officer, to said house of correction.

10. TRANSPORTATION OF CONVICTS.] *Ibid.* SEC. 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city, to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate, aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person, so sentenced, and to safely keep and employ such person for the term mentioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or persons so sentenced, shall be allowed such fees as compensation therefor as shall be prescribed or allowed by the board of supervisors or commissioners of the said county.

11. FORMER LAWS MODIFIED.] *Ibid.* SEC. 11. All provisions of law and ordinances authorizing the commitment and confinement of persons in jails, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such house of correction.

12. HOUSES OF SHELTER.] *Ibid.* SEC. 12. It shall be lawful for the inspectors of any such house of correction, to establish in connection with the same a department thereof to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which any female convict may be imprisoned in one

* For agreement between city of Chicago and Cook county, see *ante*, Part II, page 239.

or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of inspectors, a matron and other teachers and employes for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employes of the said house of correction.

13. PAYMENT OF EXPENSES.] *Ibid.* SEC. 13. The expenses of maintaining any such house of correction, over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid, from time to time, by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city.

14. UNITED STATES CONVICTS.] *Ibid.* SEC. 14. It shall be lawful for the inspectors of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States, or other federal officer, until discharged by law.

15. EXISTING BRIDEWELLS.] *Ibid.* SEC. 15. That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall immediately upon the appointment of the inspectors, in this act contemplated, be known and denominated as the house of correction of the city in which it is located.

16. SUPERINTENDENT'S SALARY—RECORD OF DISCIPLINE.] *Ibid.* SEC. 16. The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of such city, to be paid quarterly. It shall be his duty to keep a record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convict offending, and the date and character of each offense; and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence for each month he or she shall continue to obey all the rules of said house of correction.

17. OATH OF OFFICE—BONDS, ETC.] *Ibid.* SEC. 17. The inspectors of any such house of correction and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendent shall severally give bond to such city with sureties and in a penal sum, such as may be required by the legislative authority thereof, for the faithful performance of their duties.

18. REPEALING CLAUSE.] *Ibid.* SEC. 18. That all laws in conflict with this act are hereby repealed.

CHAPTER 22.

MISCELLANEOUS AND SUPPLEMENTARY.

SECTION.

1. Ordinances imposing penalty, to be published six times.
2. Ordinances now in force to remain in force.
3. Existing actions and rights vested in corporation.
4. Property vested in corporation.
5. This act not to invalidate prior legal acts or rights.
6. No incompetency as juror, etc., by reason of citizenship.
7. City officers, conservators of peace—Power of.
8. Cemetery lots exempt from execution.
9. Recorder's court may sentence to house of correction.
10. City not liable for board or fees, for prisoners in jail.
11. On appeal, city not to give bonds.
12. Printed ordinances to be received in evidence.
13. Effect of, as evidence.
14. This act public.
15. Wharfing privileges.
16. Claims commissioners—Board of—Abolished.
17. Certain town offices abolished—Tax for town purposes limited.

SECTION.

18. Railroad companies to derive no new rights from this act.
19. Use of railroad tracks of one company by another company—When permitted—Proceedings to be had.
20. When act, 1863 took effect.
21. Saving clause of act 1865, February 16.
22. Ordinances not inconsistent to remain in force.
23. Certain school bonds to be issued, as board of education shall require.
24. Section 16, act 1865, February 5, not to be affected by subsequent acts.
25. Inspectors of election—How appointed—Clerks—Per diem.
26. Repealing certain sections of certain chapters of act 1863, February 18.
27. Same.
28. Same.
29. Act relieving lien of city upon the Illinois and Michigan canal—Preamble.
30. Appropriation of bonds, etc., to relieve lien of Chicago on canal.
31. Emergency clause.

1. PENAL ORDINANCES TO BE PUBLISHED SIX TIMES.] *Act February 18, 1863, chap. 17.* SECTION 1. Every ordinance, regulation or by-law, imposing any penalty, fine, imprisonment or forfeiture, for a violation of its provisions, shall, after the passage thereof, be published six times in the corporation newspaper, and proof of such publication, by the affidavit of the printer or publisher of said newspaper, taken before any officer authorized to administer oaths and filed with the city clerk, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law, in all courts and places.

2. ORDINANCES TO REMAIN IN FORCE.] *Ibid.* SEC. 2. All ordinances, regulations and resolutions, now in force in the city of Chicago, and not inconsistent with this act, shall remain in force, under this act, until altered, modified or repealed by the common council, after this act shall take effect.

3. EXISTING RIGHTS VESTED IN THE CORPORATION.] *Ibid.* SEC. 3. All actions, rights, fines, penalties and forfeitures, in suit or otherwise, which have accrued under the several acts consolidated herein, shall be vested in, and prosecuted by the corporation hereby created.

4. PROPERTY VESTED IN CORPORATION.] *Ibid.* SEC. 4. All property, real, personal, or mixed, belonging to the city of Chicago, is hereby vested

in the corporation created by this act; and the officers of said corporation, now in office, shall respectively continue in the same until superseded in conformity to the provisions hereof; but shall be governed by this act, which shall take effect from and after its passage.

5. PRIOR LEGAL ACTS OR RIGHTS NOT INVALIDATED.] *Ibid.* SEC. 5. This act shall not invalidate any legal act done by the common council of the city of Chicago, or by its officers; nor divest their successors, under this act, of any rights of property or otherwise, or liability, which may have accrued to, or been created by said corporation, prior to the passage of this act.

6. CITIZENSHIP NOT TO DISQUALIFY AS JUROR, WITNESS, ETC.] *Ibid.* SEC. 6. No person shall be an incompetent judge, justice, witness, or juror, by reason of his being an inhabitant or freeholder in the city of Chicago, in any action or proceeding, in which the said city shall be a party in interest.

7. POWERS OF OFFICERS—MADE CONSERVATORS OF PEACE.] *Ibid.* SEC. 7. All officers of the city, created conservators of the peace by this act, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break, or threaten to break, the peace, and, if necessary, detain such persons in custody over night, in the watch-house, or other safe place; and shall have and exercise such other powers as conservators of the peace as the common council may prescribe.

8. CEMETERY LOTS EXEMPT FROM EXECUTION.] *Ibid.* SEC. 8. The cemetery lots which have been or may hereafter be laid out and sold by said city for private places of burial, shall, with the appurtenances, forever be exempt from execution and attachment.

9. RECORDERS COURT MAY SENTENCE TO HOUSE OF CORRECTION.] *Ibid.* SEC. 9. It shall be lawful for the recorder's court* to sentence criminals convicted of offenses committed in the city of Chicago, punishable by imprisonment in the county jail, to imprisonment in the city bridewell, to be there kept at labor.

10. CITY NOT LIABLE FOR BOARD OR FEES OF PRISONERS IN JAIL.] *Ibid.* SEC. 10. The city of Chicago shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city, or by any court or magistrate, to the jail of Cook county, for any offense punishable under the statutes of this state.

11. APPEAL—CITY NOT TO GIVE BONDS, ETC.] *Ibid.* SEC. 11. When, in any suit, the city of Chicago prays an appeal from the judgment of any court in the state, to a higher court, it shall not be required to furnish an appeal bond; nor shall any affidavit of merits be required of said city, in any suit to which it is a party defendant, to entitle it to defend the same. No suit shall be brought against the city, except in a court of record; nor shall any writ of execution be issued for the collection of any judgment recovered against said city.

12. PRINTED ORDINANCES—EVIDENCE.] *Ibid.* SEC. 12. All ordinances of the city, when printed and published by authority of the common council, shall be received in all courts and places, without further proof.

* Now the criminal court of Cook county. See constitution of 1870, article 6, section 26. See ante chapter 21, section 15.

13. PRINTED ORDINANCES, RESOLUTIONS AND BY-LAWS, PRIMA FACIE EVIDENCE.] *Act March 9, 1867, Chap. 6.* SEC. 7. Every ordinance, resolution, order or by-law of the common council may be read in evidence in all courts and legal proceedings from the volume of ordinances published or to be published by order of the said common council without any proof of the passage or publication thereof, but such publication shall only be prima facie evidence of its passage, or that the same has been duly published in the corporation newspaper.

14. PUBLIC ACT—READ IN EVIDENCE WITHOUT PROOF.] *Act February 13, 1863, Chap. 17.* SEC. 13. This act shall be deemed a public act, and may be read in evidence, without proof; and judicial notice shall be taken thereof, in all courts and places.

15. WHARFING PRIVILEGES—ACTS IN RELATION TO, RATIFIED.] *Ibid.* SEC. 14. Nothing in this act contained, shall be held to repeal either of the following acts, to-wit: "An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes." approved February 27th, 1847, and "An act to amend an act entitled 'An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes,' approved February 27, 1847, and in relation to wharves and docks in said city," approved February 11th, 1853; but both of said acts, with the exception of the fifth section of the first mentioned act, are hereby ratified and continued in force.*

16. BOARD OF CLAIMS COMMISSIONERS ABOLISHED.] *Ibid.* SEC. 15. Section sixty-six and a half of the act amendatory of the city charter, approved February 18th, 1861, constituting a board of claims commissioners in and for said city, is hereby repealed.

17. CERTAIN TOWN OFFICES ABOLISHED—TAX FOR TOWN PURPOSES.] *Ibid.* SEC. 21. The offices of overseer of the poor, commissioner of highways, overseer of highways and pound master, in and for the towns of North Chicago, South Chicago and West Chicago, respectively, are hereby abolished; and hereafter the town clerk of neither of the said towns shall receive for his official services, a compensation exceeding one hundred dollars a year; nor shall it hereafter be lawful to raise a tax for town purposes, in either of said towns, exceeding one thousand dollars a year, in any one year.† All school property, and all other public property of every description, in the towns of North Chicago, South Chicago and West Chicago, shall belong, and be forthwith transferred to the city of Chicago. All moneys in the hands of the treasurer of Cook county, or in the hands of any town officer or agent, collected or raised for school purposes, or for the construction or repair of highways or bridges, in either of said towns, including money received for licenses, and all such moneys as shall hereafter come into the hands of said treasurer, or other officer, shall be paid over to the treasurer of the city of Chicago; and said moneys shall be applied by said city to the purposes for which the same were collected or raised.

18. R. R. COMPANIES DERIVE NO NEW RIGHTS.] *Ibid.* SEC. 23.

* For acts referred to see appendix. For ordinances concerning, see *ante*, page 369.

† Town tax limited to fifteen hundred dollars per annum; *ante*, chapter 9, section 4, page 471.

This act shall not operate or be construed, to extend to any railroad company any rights, privileges or benefits, which they do not now possess under their respective acts of incorporation or existing laws.

19. USE OF R. R. TRACKS OF ANY COMPANY BY OTHER COMPANIES—PROCEEDINGS.] *Ibid.* SEC. 24. Whenever any railroad or railway company, which has been heretofore or may hereafter be authorized to extend its railway tracks along the streets and alleys and across the waters controlled by the city, within the limits of said city, shall desire to use the track or tracks of any other railroad or railway company, in said streets and alleys and across the waters controlled by said city, within said limits, for the passage of their cars and engines, and the transaction of their business, or either, it shall be lawful for such company to apply, by petition, to the judge of the circuit court of Cook county for such leave; and the owner or owners of such track or tracks, so desired to be used, having been first notified to appear and answer to such petition, it shall be the duty of said court to appoint three commissioners, to determine the time or times, mode, manner, extent and rates at which such track or tracks may be used as aforesaid; and the said commissioners shall grant a certificate to the party or parties so applying, setting forth in such certificate their decision; and the party applying as aforesaid, acting in pursuance of said certificate, shall be authorized to use such track or tracks in compliance with such certificate. An appeal may be taken, by either party, to the circuit court of Cook county, from such decision. All proceedings in said court and before said commission, when so appointed, shall be conducted in the manner provided for the condemnation of rights of way, in an act to amend an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, A. D. 1852, and the amendments thereto. The provisions of this section shall not authorize the use of the railway track of any party, for the running of the regular trains of another party, or in such manner as in any way to interfere with the running of the regular trains, or materially with the general business of the party owning such railway track; and such use of such railway track, and the cars and engines passing over the same, shall be under the exclusive direction and control of the superintendent of the railway, the track of which is so used, and shall be limited to the railway tracks laid down in, along and over the streets, alleys and waters of said city, as herein before stated. Whenever, by the use of any such track, under any decision made as above specified, either party shall deem the terms of said use unjust or inequitable, or to require revision, he or they may have a re-adjustment of the same, upon application and hearing in the manner herein above provided.

20. ACT OF FEBRUARY 13, 1863, WHEN IN FORCE.] *Ibid.* SEC. 25. This act* shall take effect from and after its passage.

21. SAVING CLAUSE OF ACT OF FEBRUARY 16, 1865.] *Act February 16, 1865.* SEC. 38. This act shall not invalidate any legal act done by the common council of the city of Chicago or by its officers, nor divest their successors, under this act, of any rights of property or otherwise, or liability,

* Approved February 13, 1863.

which may have accrued to, or been created by said corporation, prior to the passage of this act.

22. ORDINANCES, ETC., CONTINUED IN FORCE.] *Ibid.* SEC. 39. All ordinances, regulations and resolutions now in force in the city of Chicago, and not inconsistent with this act, shall remain in full force, under this act, until altered, modified or repealed by the common council, or other competent authority, after this act shall take effect.

23. CERTAIN BONDS TO BE ISSUED AS BOARD OF EDUCATION SHALL REQUIRE.] *Act March 9, 1867, chap. 7.* SEC. 6. It shall be the duty of the common council to provide for the issuing of as many of said bonds* as the board of education may require from time to time, and the proceeds of said bonds, when sold, shall be held as other school funds, and only paid out for permanent purchases or improvements of school grounds, and the construction of new school buildings.

24. SECTION 16 OF ACT FEBRUARY 15, 1865, NOT AFFECTED BY SUBSEQUENT ACTS.] *Act March 7, 1867.* SEC. 1. That nothing contained in any act of this general assembly heretofore passed, shall in any manner be construed so as to repeal section sixteen† of an act approved February 15, 1865, entitled "An act to amend an act entitled 'An act to reduce the charter of the city of Chicago and the several acts amendatory thereof into one act, and to revise the same,' approved February 13, 1863."

25. INSPECTORS OF ELECTION TO BE APPOINTED—CLERKS—PER DIEM.] *Act March 10, 1869.* SEC. 9. Hereafter inspectors of election for said city of Chicago shall be appointed by the board of supervisors of Cook county annually, at the session of said board held immediately preceding each election, and a majority of the board of inspectors may appoint two clerks, and such inspectors and clerks may respectively be allowed not exceeding four dollars per day for each and every day they are engaged, whether in holding the election or making a registry of the voters.‡

26. CERTAIN SECTIONS REPEALED.] *Act February 16, 1865.* § SEC. 8. Section eleven of chapter two and section sixteen of chapter thirteen, of the act to which this is an amendment, are hereby repealed.

27. SAME. *Ibid.* SEC. 20. Sections six, seven and eight of chapter ten of the act to which this is an amendment, are hereby repealed.

28. SAME. *Ibid.* SEC. 36. Sections three, four, five and six of chapter twelve of the act to which this is an amendment, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

29. PREAMBLE.] *Act October 20, 1871.* WHEREAS: The city of Chicago has expended a large amount of money, to-wit: the sum of two and a half millions of dollars, to secure the completion of the Summit division of the Illinois and Michigan Canal, under and pursuant to the provisions of said acts so approved February 16th, A. D. 1865, and acts supplementary thereto; and, whereas, the said city has a vested lien upon the said canal with its revenues, subject to any canal debt existing at the time of the passage of said acts; and,

* For bonds referred to, see *ante*, chapter 9, section 2, page 470.

† For section 16 referred to, see *ante*, chapter 16, section 41, page 538.

‡ See general election law, April 10, 1872, section 32 *et seq.*, and *ante*, chapter 2, sections 27 and 28.

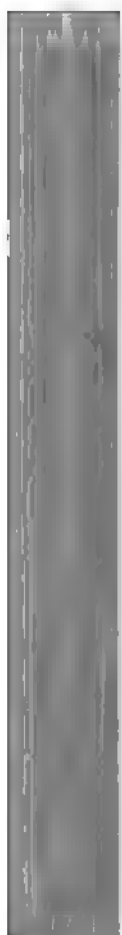
§ Amendatory of act February 13, 1863.

whereas, said then existing debt due by the state has been fully paid and canceled; and, whereas, the canal trustees have delivered to the state of Illinois, possession and control of said canal; and, whereas, it is provided, by section five of said act, as follows: "The state of Illinois may at any time relieve this lien upon the canal and revenues, by refunding to the city of Chicago the amount expended in making the contemplated improvement and the interest thereon."

30. APPROPRIATION—BONDS TO BE ISSUED.] SEC. 1. That the sum of two million nine hundred and fifty-five thousand three hundred and forty dollars, with interest thereon until paid, be and the same is hereby appropriated for the purpose of relieving the lien as aforesaid, being the principal expended and the interest thereon, which said sum is hereby refunded to said city; and when paid, said city shall execute and deliver to the state of Illinois a proper release of said lien to the satisfaction of the governor; and the auditor of state, under the direction of the governor, is hereby directed to draw his warrant for said sum of money and interest, payable only out of any moneys in the treasury belonging to the fund hereafter provided, to be known as the "Canal Redemption Fund." That for the purpose of providing said fund, any funds that are now or may be hereafter in the state treasury, paid in on the settlement of the canal commissioners with the trustees of the Illinois and Michigan Canal, as well as from the revenues of the canal; also, all funds that are now or may hereafter be paid into the state treasury, known as the Illinois Central railroad fund, shall be transferred by the state treasurer, upon the auditor's warrant drawn for that purpose, to said redemption fund; that a tax of one and one-half mills on each dollar of the assessed value of all the taxable property of the state be levied as a special tax, for the years 1871 and 1872; and to meet any deficit in said revenues to meet said appropriation the governor, auditor and treasurer are hereby authorized to issue bonds of the state of Illinois to the amount of two hundred and fifty thousand dollars, said bonds to bear interest at the rate of six per cent. per annum, payable semi-annually in the city of New York, and shall be paid at pleasure of the state at any time after three years after the date thereof, and shall be of such denominations as the governor may deem advisable, and be known as the "Revenue Deficit Bonds," and shall be delivered to the city authorities of the city of Chicago, at par, as a part payment on above appropriation: *Provided, however,* that not less than one-fifth, nor to exceed one-third of said sum so appropriated, shall be received by said city, and be applied in re-constructing the bridges and the public buildings and structures destroyed by fire, upon the original sites thereof, as already provided by the common council; and the remainder thereof to be applied to the payment of the interest on the bonded debt of such city, and the maintenance of the fire and police departments thereof.

31. EMERGENCY.] WHEREAS: By reason of a great conflagration in the city of Chicago, the public buildings, bridges and other public improvements have been totally destroyed and the business of the courts is suspended, whereby an emergency exists as a reason why this act shall take effect before the first day of July next; therefore, be it further enacted, that this act shall take effect and be in force from and after its passage.

* Act February 13, 1863.



APPENDIX.



OTHER LAWS AFFECTING THE CITY.

PARKS.

SOUTH DIVISION.

SECTION.

1. South park commissioners—How appointed—Their oath and bond.
2. Term of office—Organization—Vacancies.
3. Officers of the board.
4. Land for park to be selected in certain bounds.
5. Condemnation of land—Proceedings for.
6. Map of land selected to be recorded.
7. Duties of park assessors.
8. Authority to issue bonds.
9. Park tax authorized.
10. Power to vacate roads, etc.
11. Commissioners to have no interest in purchases, etc.
12. Removal from office—Manner of.
13. Powers of the board.

SECTION.

14. When a vacancy shall be created.
15. Exemption of land from taxation, etc.
16. Moneys how to be appropriated.
17. Bonds receivable for assessments.
18. Election.
19. Act declared public, etc.
20. Act (April 16, 1869) amends boundary.
21. Bonds, how to be disposed of and retired.
22. Extension of time to make estimate of expenses.
23. Amendment as to manner of removal from office.
24. Control over streets, etc.
25. Elections legalized and confirmed.
26. When act in force.

An act to provide for the location and maintenance of a park for the towns of South Chicago, Hyde Park and Lake.

[Approved February 24, 1869.]

1. SOUTH PARK COMMISSIONERS—HOW APPOINTED—OATH—BOND.] SECTION 1. *Be it enacted by the People of the state of Illinois represented in the General Assembly, That five persons who shall be appointed by the governor of the state of Illinois, together with their successors, be, and they are hereby constituted a board of public park commissioners for the towns of South Chicago, Hyde Park and Lake, to be known under the name of the "South Park Commissioners."* And in case of the failure of any of said person to accept such appointment and to qualify thereunder, as hereinafter provided, within sixty days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of a majority of the commissioners so accepting to appoint some suitable person to fill the place thus made vacant, which appointment when accepted by such nominee, shall constitute such person a commissioner under this act; and a majority of said commissioners shall so continue to nominate until the board shall consist of five persons. Each of said commissioners before entering upon the duties of his office, shall take an oath to well and properly discharge the duties of his office for the interests of the public, which oath shall be reduced to writing, subscribed to by him, and filed in the office of the county clerk of Cook county. They shall each give a bond in the penal sum of fifty thousand dollars, with one or more sureties, to be approved by the judge of the circuit court of Cook county, to the treasurer of Cook county, conditioned for the faithful discharge of their duties under this act.

2. TERM OF OFFICE—ORGANIZATION—VACANCY.] SEC. 2. As soon as convenient after the said board shall be constituted, as aforesaid, the members thereof shall decide by lot, at a meeting to be called by any three of them, as to the respective terms for which each member shall hold his office. The number of lots shall equal the number of commissioners, and the person drawing the longest term shall serve for five years from the first day of March, A. D.

1869, the one drawing the next shall serve for four years from said date; the one drawing the next shall serve for three years from said date; and so on until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him, the last of said commissioners serving for the term of one year only from said first day of March, A. D. 1869. As soon as the term of office of each of said commissioners shall be determined as aforesaid, said board shall organize by electing one of their number as president, and one of their number as auditor. They shall also appoint a treasurer, prescribe his duties and fix his compensation, who shall give bond for the faithful discharge of his duties in the penal sum of five hundred thousand dollars, with not less than three sufficient sureties, to be approved by the judge of the circuit court of Cook county. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall be appointed as hereinafter provided; and all officers appointed by the board shall be subject to removal at the pleasure of the board. The said board shall adopt a seal, and alter the same at pleasure; they shall keep a complete record of all their proceedings, which shall be open at all times for the inspection of the public. The said commissioners shall receive no compensation for their services, except the president, who may, in the discretion of said board, have and receive such compensation as may be fixed as hereinafter provided, not to exceed three thousand dollars per annum. All vacancies occurring in said board shall be filled by the appointment of the judge of the circuit court of Cook county, when such vacancy or vacancies shall occur. Said board of commissioners shall be a body politic and corporate, and shall have and enjoy all the power necessary for the purposes of this act.

3. OFFICERS OF.] SEC. 3. The president, auditor, treasurer and secretary shall be elected annually by said board at the annual meeting thereof, and shall receive such salary for their services as the said board shall, from time to time, determine, not exceeding for each of said officers the sum of three thousand dollars per annum.

4. LAND TO BE SELECTED.] SEC. 4. The said commissioners are, by this act, authorized and empowered to, and they shall within ninety days after their organization as aforesaid, or as soon thereafter as practicable, select the following described lands, situated in the towns of South Chicago, Hyde Park and Lake, Cook county, Illinois, to wit: Commencing at the south-west corner of Fifty-first street and Cottage Grove avenue, running thence south along the west side of Cottage Grove avenue to the south line of Fifty-ninth street; thence east along the south line of Fifty-ninth street to the east line of Hyde Park avenue; thence north on Hyde Park avenue to Fifty-sixth street; thence east along the south line of Fifty-sixth street to Lake Michigan; thence southerly along the shore of the lake to a point due east of the centre of section twenty-four (24) in township thirty-eight (38) north, range fourteen (14); thence west through the centre of said section twenty-four (24) to Hyde Park avenue; thence north on the east line of Hyde Park avenue to the north line of Sixtieth street, so called; thence west on the north line of Sixtieth street, so called, to Kankakee avenue; thence north on the east line of Kankakee avenue to Fifty-first street; thence east to a point to the place of beginning. Also, a piece of land commencing at the south-east corner* of Kankakee avenue and Fifty-fifth street, running thence west, a strip two hundred feet wide adjoining the north line of Fifty-fifth street, along said Fifty-fifth street, to the line between range thirteen (13) and fourteen (14) east; thence north-east of and adjoining said line, a strip two hundred feet wide, to the Illinois and Michigan canal. Also, a parcel of land beginning at the south-west corner of Douglas Place and Kankakee avenue, running thence south, a strip of land one hundred and thirty-two feet wide, along the west side of Kankakee avenue, to a point one hundred and fifty feet south of the south line of Fifty-first street. Also, a strip of land commencing at the intersection of Cottage Grove avenue and Fifty-first street, running thence east one hundred feet in width, on each side of the centre line of Fifty-first street, to a point one hundred feet east of the center line of Drexel avenue. Also, a strip of land extending north from the intersection of Fifty-first street with Drexel avenue, one hundred feet in width on each side of the center line of said avenue to the north line of Forty-third street; thence northerly, a strip of land two hundred feet in width, till it meets or intersects with Elm street in Cleaverville; thence northerly along said Elm street, two hundred feet in width, west from the east line of said street to its intersection with Oakwood avenue. Which said land and premises, when acquired by said commissioners as provided by this act, shall be held, managed and controlled by them and their successors, as a public park, for the recreation, health and benefit of the public, and free to all persons forever:

* Amended, see section 20, *post*.

subject to such necessary rules and regulations as shall, from time to time, be adopted by said commissioners and their successors, for the well ordering and government of the same.

5. PROCEEDING TO CONDEMN.] SEC. 5. In case the said commissioners cannot agree with the owner or owners, lessees or occupants of any of the said real estate, selected by them as aforesaid, they may proceed to procure the condemnation of the same, in the manner prescribed in the act of the general assembly of the state of Illinois, entitled "An act to amend the law condemning right of way for the purpose of internal improvement" approved June 22, 1852, and the acts amendatory thereof, the provisions of which said act and the several acts amendatory thereof, are hereby extended to the park and park commissioners to be created by virtue of this act.

6. MAP TO BE RECORDED.] SEC. 6. When the title to the land selected for such park as herein provided, shall have been acquired by said commissioners, by gift, condemnation or otherwise, it shall be the duty of such commissioners to make, acknowledge, and file for record in the office of the recorder of deeds for Cook county, a map showing the said land, with a correct description, including section, township and range.

7. PARK ASSESSORS—DUTIES, ETC.] SEC. 7. As soon as the amount required for the condemnation of the grounds selected for said park shall have been ascertained by said commissioners, with reasonable certainty, they shall apply to the judge of the circuit court of Cook county for the appointment of three freeholders of the county of Cook, as park assessors. The commissioners shall give notice, in one or more of the daily newspapers published in the city of Chicago, of the time when such application shall be made, and all parties interested may appear and be heard by said judge, touching such appointment. At the time fixed for such application, the court, after hearing such persons as shall desire to be heard touching such appointment, shall nominate and appoint three assessors, for the purposes provided in this act. The said assessors shall proceed to assess the amount so ascertained upon property in the towns of South Chicago, Hyde Park and Lake, in the county of Cook, deemed benefited by reason of the improvement occasioned by the location of said park, as near as may be, in proportion to the benefits resulting thereto: *Provided*, that the aggregate of said benefits is equal to, or greater than the amount of said damages, and in case the aggregate of the benefits is less than the damages, then the balance of the damages over the benefits shall be paid from the fund provided for in section eight of this act. Upon entering on the duties of their office the said assessors shall make oath, before the clerk of the said circuit court, faithfully and impartially to discharge the duties of their office. They shall give at least ten days' notice in one of the said daily papers of the time and place of their meeting for the purpose of making said assessment, and may adjourn said meeting, from time to time, until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, blocks or parcels of land deemed benefited by them as aforesaid, and shall include the same, together with the amount assessed as benefits in the assessment roll. All parties interested may appear before said assessors, and may be heard touching any matter connected with the assessment. When the same shall be completed, it shall be signed by the assessors, and returned to the said circuit court, and shall be filed by the clerk thereof. The assessor shall thereupon give at least ten days' notice in one of the said daily newspapers of the filing of said assessment roll, and that they will, on a day therein named, apply to the said circuit court for confirmation of the same, which said notice shall be published at least ten days before the time fixed for such application. Said circuit court shall have power to revise, correct, amend or confirm said assessment, in whole or in part, and may make or order a new assessment in whole or in part, and the same revise and confirm, upon like notice. All parties interested may appear before said circuit court, either in person or by attorney, when such application shall be made, and may object to said assessment, either in whole or in part, provided all objections shall be in writing and shall be filed at least three days before the time fixed for the application, and shall specify the lot, block or parcels of land on behalf of which objection is made. After the confirmation of the said assessment, the clerk of said circuit court shall file a copy thereof, under the seal of his said court, with the clerk of the county court of Cook county, and said assessment shall be a lien upon the several lots, blocks or parcels of land, assessed for benefits as aforesaid. Ten per cent. of the amount so ascertained shall be due and payable annually, and the clerk of the said Cook county court shall include in the general tax warrants for each year, until the whole sum shall be paid, for the collection of state and county taxes in the said towns of South Chicago, Hyde Park and Lake, ten per cent. of the said assessments, in an appropriate column to be termed "South Park Assessment," with the amount to be collected opposite the several lots, blocks or parcels of land assessed as aforesaid; and like proceedings in all respects shall be had for enforcing the collection of the same as is now provided by law for the collection of state and county taxes.

The moneys collected under the provisions of this section shall be paid to the treasurer of Cook county, for which he and his sureties shall be responsible as fully as for any other moneys by him received as treasurer of Cook county, and be held by him in the same manner, and be subject to the same control and direction as provided in this act for other moneys belonging to said corporation, and the treasurer of Cook county shall be entitled to receive one-half of one per cent., and no more, of said moneys as a full compensation for receiving and disbursing the same.

8. BONDS AUTHORIZED.] SEC. 8. For any deficiency arising through acquiring title to said park, and for the payment of the expenses of inclosing, maintaining and improving the park herein provided for, and the expenses, disbursements and charges in the premises, the said commissioners shall have power to loan or borrow, from time to time, for such time as they shall deem expedient, a sum of money not exceeding two millions of dollars, and shall have authority to issue bonds, secured upon the said park and improvements, which bonds shall issue under the seal of said commissioners, and shall be signed by said commissioners and countersigned by the secretary of said board, and bear interest not exceeding seven per cent. per annum; and it shall be the duty of said commissioners to keep an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and said register shall at all times be open to the investigation of the public. And for the payment of the principal and interest of said bonds, the said park and improvements shall be irrevocably pledged, and the towns of South Chicago, Hyde Park and Lake shall be irrevocably bound; and said bonds may be sold by said commissioners, upon such terms and for such prices, as in the judgment of said commissioners can be obtained for the same in cash.*

9. TAX AUTHORIZED—WARRANTS, HOW DRAWN.] SEC. 9. The said board of park commissioners shall annually, on or before the first day of December in each year, transmit to the clerk of the county court of Cook county an estimate, in writing, of the amount of money, not exceeding in any one year three hundred thousand dollars, necessary for the payment of the interest on the bonds issued by the said board, and that, in addition thereto, will be required for the improvement, maintenance and government of said park during the current year;† and the said clerk shall proceed to determine what per cent. said sum is on the taxable property of said towns, according to the several assessors' returns for the respective year, and shall, in the next general tax warrants for the collection of state and county taxes in said towns set down the amount chargeable to the several persons, corporations, lots or parcels of ground, in a separate or appropriate column, and shall receive such compensation as now allowed by law: and the collectors respectively shall proceed to collect the same, in the manner now provided by law for the collection of state and county taxes, and all the provisions of law in respect to the collection of state and county taxes, and proceedings to enforce the same, so far as applicable, shall apply to said assessments and taxes. The said sum of money shall be placed, by the treasurer of said county of Cook, to the credit of said board of park commissioners, and shall be drawn by said board, from the county treasurer, by warrant signed by the president and secretary of the board, and countersigned by the auditor, to be appointed as aforesaid, and in no other way, the appointment of such auditor or comptroller having been first duly certified by such president and secretary, and filed in the office of said treasurer of Cook county.

10. VACATION OF ROADS, ETC.] SEC. 10. It shall be lawful for said commissioners to vacate and close up any and all public roads or highways, excepting railroads, which may pass through, divide or separate any lands selected or appropriated by them for the purposes of a park, and no such road shall be laid out through said park, except such as the said commissioners shall lay out and construct.

11. COMMISSIONERS TO HAVE NO INTEREST.] SEC. 11. No one of the said commissioners shall be interested either directly or indirectly, in any contract entered into by them, with any other person, nor shall they be interested, directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. And it shall be a misdemeanor for any commissioner to be directly or indirectly interested, or in any way pecuniarily interested, in any contract or work of any kind whatever, connected with said park.

12. REMOVAL FROM OFFICE.] SEC. 12. The said commissioners, or either of them, may be removed from office, by the judge of the circuit court of Cook county, upon the petition presented to him, in term time or in vacation, by one hundred freeholders of said towns of

* Bonds, how sold, see section 21, *post*.

† Time extended, see section 22, *post*.

South Chicago, Hyde Park and Lake, and if it shall appear after hearing and proof before said judge, that the said commissioners, or either of them, have been guilty of misdemeanor or malfeasance in office under this act, and if the said judge shall remove any two or more of said commissioners, from office for any cause, before the expiration of their term of office, he is hereby empowered to appoint others in their stead, who shall fill such offices for and during the unexpired term of such commissioners so removed.*

13. POWERS OF THE BOARD.] SEC. 13. The said board shall have full and exclusive power to govern, manage and direct said park, to lay out and regulate the same, to pass ordinances for the regulation and government thereof, to appoint such engineers, surveyors, clerks and other officers, including a police force, as may be necessary; to define and prescribe their respective duties and authority, fix the amount of their compensation; and generally, in regard to said park, they shall possess all the power and authority now by law conferred upon or possessed by the common council of the city of Chicago in respect to the public squares and places, in said city, and it shall be lawful for them to commence the improvement of said park, as soon as they have obtained one hundred acres of the premises herein described.

14. VACANCY, WHEN.] SEC. 14. The office of any commissioner under this act who shall not attend meetings of the board for three successive months, after having been duly notified of said meetings, without leave of absence from said board, may by said board be declared vacant.

15. EXEMPTION FROM TAXATION.] SEC. 15. The real estate and personal property of said corporation shall be exempted from taxation and assessment.

16. MONEYS, HOW APPROPRIATED.] SEC. 16. All moneys belonging, or to belong to any park fund now in existence, or hereafter to be created, and all bonds, and the proceeds from sales thereof, now authorized, or hereafter to be authorized, to be issued by the city of Chicago for park purposes, in, or to which the south division of the city of Chicago, may now, or shall hereafter be entitled to a distributive share, shall be devoted and applied to the purchase or maintenance and improvement of the park contemplated and created by this act, under the direction and control of the commissioners provided in this act.

17. BONDS RECEIVABLE FOR ASSESSMENTS.] SEC. 17. The bonds to be issued under this act may be received in payment of any assessment, whether such bond or assessment shall have become due or not, upon such terms as shall be fair, just and equitable; and upon the payment of any assessment, the land upon which the same is assessed shall be free from any lien or liability to pay the same; and such payment shall be reported to the county clerk of Cook county, and entered upon the record of the assessment.

18. ELECTION.] SEC. 18. There shall be an election held in the towns of South Chicago, Hyde Park and Lake, on the fourth Tuesday of March next after the passage of this act, at which election the legal voters voting at such election shall vote for or against this act. The tickets shall be printed or written "For Park," and "Against Park," and if a majority of the votes cast on the subject of park, shall be "For Park," then this act shall take effect and be in force, but not otherwise. The clerk of the county court of Cook county shall designate the places of holding such election, and give notice thereof in one or more of the daily papers published in the county of Cook, at least six (6) days preceding such election, and shall supply the judges thereof with the necessary books, papers and boxes, as in other cases of elections, and there shall be one polling or voting place in each voting precinct in said towns, as the same were fixed at the last general election in the county of Cook. The persons who acted as judges or inspectors of election in the several precincts of said town at the last general election in Cook county shall be the judges or inspectors of this election. In case the judges or inspectors of election shall not attend at the time for opening the polls, such judges or inspectors shall be chosen by the legal voters present. The clerks shall be appointed as provided in election for county officers. The polls shall be opened and closed, and the election conducted as elections for county officers. All legal voters of said town shall be entitled to vote at such election without any new registration, and the judges or inspectors of such election shall use the registry list made for the general election in November, 1868: *Provided*, that whenever any person whose name is not on the registry list shall offer his vote at such election, the judges or inspectors shall require the same evidence of his qualification as now provided by law. The said judges of election shall immediately after the close of the polls count the ballots, fill out and sign the returns and tally sheets as now provided by law in all other elections, and return the poll books and ballots to the clerk of the county court as in other cases of election. The votes shall be canvassed in the manner provided by law for

* Amended, see section 23, *post*.

the election of state and county officers. The clerk of the county court of Cook county shall, immediately after such canvass, cause a certificate of the result of said election to be filed in the office of the secretary of the state, which shall be conclusive evidence of the result of said election.

19. PUBLIC ACT.] SEC. 19. This act shall be a public act, and shall take effect and be in force from and after its passage.

An act amendatory of and supplementary to an act to provide for the location and maintenance of a park for the towns of South Chicago, Hyde Park and Lake, approved February 24th, 1869.

[Approved April 16, 1869.]

20. AMENDATORY OF A BOUNDARY LINE.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* that the portion of the fourth section of the act to which this is amendatory and supplemental, which is in the words, "a piece of land commencing at the south-east corner of Kankakee avenue and Fifty-fifth street, running thence west, a strip two hundred feet wide adjoining the north line of Fifty-fifth street," is hereby amended by substituting in lieu thereof the words, "a piece of land commencing at the north-east corner of Kankakee avenue and Fifty-fifth street, running thence west a strip two hundred feet wide, south of and adjoining the north line of said Fifty-fifth street."

21. BONDS HOW DISPOSED OF AND CANCELED.] SEC. 2. The bonds authorized to be issued by the act of which this is amendatory and supplemental may be issued, sold and the proceeds applied for acquiring said lands and for any and all purposes in the said act mentioned. Said bonds shall be retired and canceled as fast as the money for that purpose can be obtained by the collection of the money due upon the special assessment provided for in section seven of the act hereinbefore mentioned, and a sufficient amount of any bonds that may be issued by the city of Chicago, under any law now in force or hereafter enacted, and received by said commissioners shall be applied to the purpose of retiring the bonds authorized by said act.

22. EXTENSION OF TIME TO MAKE ESTIMATES.] SEC. 8. The ninth section of said act is hereby so amended that the words "during the current year," shall read "during the next succeeding year."

23. REMOVAL FROM OFFICE.] SEC. 4. That the twelfth section of said act be, and the same is hereby, amended so as to read as follows: The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Cook county, upon the petition, presented to him in term time or in vacation, of one hundred freeholders of said towns of South Chicago, Hyde Park and Lake, if it shall appear, after hearing and proof before the judge, that the said commissioners or either of them have been guilty of misdemeanor or malfeasance in office under this act. And if the said judge shall remove any one or more of said commissioners from office, for any cause, before the expiration of their term of office, he is hereby authorized and empowered to fill the vacancy or vacancies, thus created, by appointing other commissioners in their places who shall serve during the unexpired terms of the commissioners so removed.

24. CONTROL OVER STREETS.] SEC. 5. The commissioners to be appointed under said act are hereby vested with the same powers and duties as are conferred by said act in relation to lands designated for parks, over all streets running longitudinally along and adjoining any and all of the proposed parks or strips of land designated in said original act, as are conferred by said act in relation to such parks and strips of land as may be necessary to improve and keep in repair the same, in connection with the said parks or strips of land, without obstructing, by fences or other structures, free access to the said streets from existing roads and streets, and by owners of land abutting on the same.

25. ELECTIONS CONFIRMED.] SEC. 6. The elections held in the towns of South Chicago, Hyde Park and Lake, on the twenty-third day of March, A. D. 1869, under and by virtue of the eighteenth section of the act to which this is an amendment, are hereby legalized and confirmed, and said act shall be held and deemed to have been regularly and legally adopted by the legal voters of said towns, and shall remain in full force and effect, and shall be liberally construed in all courts, with a view to carry out and enforce the intent and meaning of the same.

26. WHEN IN FORCE.] SEC. 7. This act is hereby declared a public act, and shall take effect and be in force from and after its passage.

WEST DIVISION.

SECTION.

1. Act of February 27, 1869—Extension of city limits westwardly.
2. West Chicago park commissioners, how appointed—Oath and bond.
3. Organization of board as a body corporate.
4. General powers.
5. Power to acquire land in trust for park purposes.
6. Building line may be established—Effect of.
7. Power as to subdivisions within four hundred feet.
8. Construction of bridges, viaducts, etc.
9. Surveys to be made.
10. Certain streets not to be closed—Others to be opened and improved.
11. Right to proceed by condemnation.
12. Map of land selected to be recorded.
13. Assessment how made and collected.
14. Assessment how divided and upon what basis.
15. Power to borrow \$50,000.

SECTION.

16. Tax of one-half of one mill.
17. Power over roads and highways.
18. Proceeding to remove from office.
19. When a vacancy shall be declared.
20. Election to be held as to this act taking effect.
21. Act public and when in force.
22. Act March 19, 1869 amendatory—Certain sections in Jefferson excluded.
23. Manner of assessing benefits modified.
24. Revision and confirmation of the assessment.
25. When title vests in commissioners.
26. New assessment for one annulled.
27. Public benefits, how paid.
28. Location of boulevard.
29. Boulevard to North park when constructed.
30. How streets, etc. closed, etc.
31. Size, etc. of the North park.
32. Act public and when in force.

An act to amend the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes.

[Approved February 27, 1869.]

1. TERRITORIAL LIMITS OF CHICAGO EXTENDED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the territorial limits of the city of Chicago shall be, and are hereby, extended, as follows: That part of section thirty (30), township forty (40), north of range fourteen (14) east of the third (3d) principal meridian, which lies west of the north branch of the Chicago river; section twenty-five (25), township forty (40), north of range thirteen (13) east of the third (3d) principal meridian, except that part of said section lying east of the centre of the north branch of the Chicago river; sections twenty-six (26) thirty-five (35) and thirty-six (36) in township forty (40), north of range thirteen (13) east of the third (3d) principal meridian; sections one (1), two (2), eleven (11), twelve (12), thirteen (13), fourteen (14), twenty-three (23), twenty-four (24), twenty-five (25) and twenty-six (26) in township thirty-nine (39), north of range thirteen (13), east of the third (3d) principal meridian; and that part of sections thirty-five (35) and thirty-six (36) in township thirty-nine (39), north of range thirteen (13) east of the third (3d) principal meridian, lying northwest of the centre of the Illinois and Michigan canal, shall be, and are hereby, added to said city, and shall constitute a part of the west division of said city and of the town of West Chicago; and the said added or new territory shall cease to be a part of the several towns to which it now belongs or appertains: and the outside boundary of the west division of the city of Chicago, as hereby established, shall be the outside boundary of the several wards of said city, which now extend to the present city limits.

2. COMMISSIONERS—HOW APPOINTED.] SEC. 2. Seven persons, resident freeholders and qualified voters of said town, who shall be designated by the governor of the state of Illinois, together with their successors, shall be, and they are hereby, constituted a board of public park commissioners for the town of West Chicago, to be known under the name of the "West Chicago Park Commissioners," and in case of the failure of any of said persons to accept such appointment and to qualify thereunder, as hereinafter provided, within sixty (60) days after the passage of this act, the place of such person in said commission shall be thereby vacated, and it shall be the duty of the commissioners so accepting to certify the fact of such failure and vacancy to the governor, who shall appoint some suitable person or persons, possessing the qualifications aforesaid, to fill the place or places thus made vacant; and vacancies shall continue to be filled in like manner until the board shall have been filled and constituted by the acceptance and qualification of seven persons. Each of said commissioners, before entering upon the duties of his office, shall take an oath to well and properly discharge the duties of his office for the interests of the public; which oath shall be reduced to writing, subscribed to by him and filed in the office of the county clerk of Cook county. They shall each give a bond in the penal sum of twenty thousand dollars, with one or more sureties, to be approved by the judge of the circuit court of Cook county, to the treasurer of Cook county, conditioned for the faithful discharge of the duties under this act.

3. ORGANIZATION OF THE BOARD—OFFICERS—A BODY CORPORATE.] SEC. 3. As soon as convenient after the said board shall be constituted, as aforesaid, the members thereof shall decide by lot, at a meeting to be called by any three of them, as to the respective term for which each member shall hold his office; the number of lots shall equal the number of commissioners, and the person drawing the longest term shall serve seven years from the first day of March A. D. 1869; the one drawing the next shall serve for six years from said date; the one drawing the next shall serve for five years from said date; and so on until the term of each one of said commissioners shall be definitely determined, each one serving for the length of time inscribed on the lot drawn by him; the last of said commissioners serving for the term of one year, only, from said first day of March, A. D. 1869. As soon as the term of office of each of said commissioners shall be determined, as aforesaid, said board shall organize by electing one of their number as president, and one of their number as auditor. They shall also appoint a treasurer, prescribe his duties and fix his compensation, who shall give bond, for the faithful discharge of his duties, in the penal sum of fifty thousand dollars, with not less than three sufficient sureties to be approved by the judge of the circuit court of Cook county. They shall also choose a secretary, who shall not necessarily be a commissioner, and who shall hold his office until his successor shall be appointed, as hereinafter provided; and all officers appointed by the board shall be subject to removal at the pleasure of the board. The said board shall adopt a seal, and alter the same at pleasure; they shall keep a complete record of all their proceedings, which shall be open at all times to the inspection of the public. The said commissioners shall receive no compensation for their services, except the president, who may, in the discretion of said board, have and receive such compensation as may be fixed, as hereinafter provided, not to exceed four thousand dollars per annum. All vacancies occurring in said board shall be filled, as soon as may be thereafter, by the appointment of the governor of the state of Illinois. The said board of commissioners shall be a body politic and corporate, with perpetual succession, and have power to sue and be sued, plead and be impleaded, to have and use a common seal, and they shall have and enjoy all the powers necessary for the purposes of this act.

4. TO DIRECT PARKS, ETC.—APPOINT ENGINEERS, ETC.—LIMIT OF EXPENDITURES.] SEC. 4. The said board of commissioners shall have full and exclusive power to govern and direct all parks, boulevards and ways, authorized by this act, and by them purchased, made, laid out, or established; to lay out, regulate, make and improve the same, to pass ordinances and issue and enforce orders for the regulation and government of the same; to levy special assessments on all property by them deemed benefited by the purchase, opening and improvement of such parks, boulevards and ways, as limited by this act; to appoint such engineers, surveyors, clerks and other officers, including a police force, as may be necessary; to define and prescribe their respective duties and authority, and fix the amount of their compensation; and generally in regard to said parks, boulevards and ways, they shall possess all the power and authority now by law conferred upon, or possessed by the common council of the city of Chicago in respect to the public squares, places and streets in said city, and it shall be lawful for them to commence the improvement of the same as soon as the funds requisite therefore, or any portion thereof, shall have been obtained. The expenditures for engineers, surveyors, clerks and officers, except the president, including a police force, shall not exceed five thousand dollars (\$5,000) per annum, without further authority from the general assembly; but said board may accept of the services of such of the police force of the city of Chicago as may be placed at their disposal by the common council or police authorities of said city.

5. TO LOCATE, CONDEMN, ETC., PARKS AND BOULEVARDS.] SEC. 5. The said board shall have power, and it is made their duty, and they are hereby authorized, to select and take possession of and to acquire by condemnation,* contract, donation, or otherwise, title forever, in trust for the inhabitants of the town of West Chicago, and of the west division of Chicago, and for such parties or persons as may succeed to the rights of said inhabitants and for the public, as public promenade and pleasure grounds and ways, but not, without the consent of a majority, by frontage, of the owners of the property fronting the same, for any other use or purpose, and without the power to sell, alienate, mortgage or encumber the same, to the lands and appurtenances, required for a road or pleasure way, or boulevard, not less than two hundred and fifty (250) feet, nor more than four hundred (400) feet in width, and for the establishment of a building line, as hereinafter specified, fifty (50) feet distant from and outside of said boulevard or pleasure way, beginning at a point, in said added territory, north of Fullerton avenue, and at or near the

* As to manner of condemning lands, see section 23.

north branch of Chicago river, and extending west, within said added territory, to a point one mile or more west of Western avenue, and thence southerly to a point at or near the Illinois and Michigan canal, with such curves and deviations, as they shall deem expedient; also to the lands required and building lines, aforesaid, for three parks, upon the line of said boulevard, and upon the part of the same between the two last mentioned points, of not less than one hundred (100) nor more than two hundred (200) acres each, and which shall cost, respectively, not exceeding two hundred and fifty thousand dollars (\$250,000), the first to be located north of Division street, the second to be located between Kinzie street and Harrison street, and the third to be located between Harrison street and the Chicago, Burlington and Quincy railroad track; the total cost of said parks and boulevards, with the easements and building line aforesaid, exclusive of improvements, shall not exceed nine hundred thousand dollars (\$900,000), and shall be assessed on the property benefited, as hereinafter provided.* If the said board should locate any part of the said boulevard or parks, outside of the said extended territory and limits, each section of land west of the same, of which a part shall be taken for such boulevard or parks, shall be and remain, together with the lands and territory between the same and the said extended limits, a part of the said town and city, and of the several wards thereof, as aforesaid, and shall cease to be a part of the several towns to which it now belongs or appertains. But in no case shall the western line of either of said parks be over two (2) miles from Western avenue, unless, by voluntary contribution, land is added to such parks outside of said limits. Said lands, boulevards and parks, and the personal property of said board shall be exempt from taxation. The said board may contract with the owners of property, taken or purchased, for annual payments, not to extend beyond five years, and in such case shall only be included in the assessment for any year the amount of such annual payment when due, if any, and the amount of one annual payment for that year, or next to become due. They are also authorized to divide the amount of their assessments, and, where it can be legally done, to make one or more assessments, payable in annual instalments, which shall be a lien on property only for the amount payable each year. The part of said boulevards between the said north park and the north branch of the Chicago river, and the part of the same south of the said Chicago, Burlington and Quincy railroad track, shall not be made unless the land therefor shall be acquired free of cost to the said board, and shall not be ornamented or improved until after the improvement of the parks shall have been completed, unless the same be done by voluntary contribution.†

6. ESTABLISHMENT OF BUILDING LINE—EFFECT OF.] SEC. 6. The establishment of a building line outside of said boulevard and parks as hereinbefore required, in connection with the condemnation of the land for the same, shall be understood to be the condemnation and perpetual annihilation of all right of the owners of property which shall front on said boulevard or across which said building line shall run, to erect any building whatever, or any part thereof, between said building line and said boulevard or parks, or it may be accomplished by the absolute condemnation of the land with perpetual and irrevocable free license to use and occupy fifty (50) feet in width of the same for all purposes not otherwise forbidden, except buildings, as the said board shall be advised may be preferable and most effective.

7. CERTAIN SUBDIVISIONS OF LANDS SUBJECT TO THE BOARD.] SEC. 7. No subdivision, into lots, of lands in said town, lying within four hundred (400) feet of said boulevards, or either of said parks shall be valid without the approval of said board of park commissioners, and they also shall have power to forbid, by general order, and to abate any horse racing, gambling or amusements within four hundred (400) feet of said boulevard and parks, or either of them, and the right to use the said adjacent lands, for any such purpose, shall be deemed to be included in the assessment and condemnation above provided for, but no lawful business now established and carried on upon said adjacent lands shall be prohibited or abated without a fair valuation and due and full compensation.

8. POWER TO CONSTRUCT BRIDGES, ETC.] SEC. 8. The said board shall have power to construct all necessary bridges and viaducts over rivers, water courses and railroads within or on the line of said town, and it shall be their duty to construct the same as soon as the means shall have been provided therefor.

9. THREE SURVEYS TO BE MADE.] SEC. 9. The said board of park commissioners are hereby required to make not less than three topographical surveys and examinations of different routes for said boulevard and outlines of parks, with complete elevations, before locating the same, and to invite owners of property to confer with them in regard to donations of land. They are also authorized to receive donations or appropriations of money for the pur-

* See section 31.

† Last clause repealed, see section 29.

chase or improvement of the same, and of lands for, or as a part of, or to be added to said boulevard or either of said parks, upon conditions to be agreed upon.

10. CERTAIN STREETS, ETC., TO REMAIN UNCHANGED—AVENUES TO BE IMPROVED.] SEC. 10. None of the main streets and avenues leading to the said boulevards and parks, and which have heretofore been opened and used as country roads or highways, shall ever be closed up or reduced in width in whole or in part, except streets near the river and its branches, which may require to be changed for business purposes or greater convenience of access.* The board of public works are hereby authorized and required, upon the order of the common council, to make and to assess, in the manner herein and in the city charter provided, subject to confirmation by the common council, the benefits and damages resulting from the extension of the road known as "Whiskey Point road," as nearly as may be, in its present direction from its present western terminus at Western avenue to Fulton street, of the width of one hundred and twenty (120) feet, and from Fulton street to Lake street, of the width of eighty (80) feet, and the widening said road from its present terminus, at Western avenue, to the new or extended city limits, to the width of one hundred and twenty (120) feet, with a building line, as hereinbefore defined and specified, distant ten (10) feet, from and outside of each line of said road, from Fulton street to Western avenue, and fifty (50) feet from and outside of said road, from Western avenue to the new or extended city limits; and also the grading and macadamizing said road on the middle part thereof to the width of at least thirty (30) feet, and a viaduct, or viaducts for carriages, teams and foot passengers over all railroad tracks now laid, or hereafter to be, across said road. The several township road officers, and the Cook county drainage commissioners, and all other officers now, or hereafter, authorized to open roads on said line outside of the city limits, in making any assessment for widening said road, are authorized and required to include the establishment of said building line fifty (50) feet distant from and outside said road, as aforesaid. The name of the said "Whiskey Point road," both within and beyond said city limits, shall be, and is hereby, changed, and shall be known forever hereafter as "Grand avenue." The Southwestern avenue, from Madison street to the city limits, shall also be macadamized with the consent and approval of the common council.

11. RIGHT TO CONDEMN PROPERTY.] SEC. 11. In case the said commissioners cannot agree with the owner or owners, lessees or occupants of any of the said real estate, selected by them as aforesaid, they may proceed to procure the condemnation of the same, in the manner prescribed in the act of the general assembly of the state of Illinois, entitled "An act to amend the law condemning right of way for the purpose of internal improvement," approved January 22, 1852, and the acts then in force amendatory thereof, the provisions of which said act and the several acts amendatory thereof, are hereby extended to the boulevards, parks and park commissioners to be created by virtue of this act.

12. MAP TO BE RECORDED.] SEC. 12. When the title of the land selected for boulevards, ways, easements, parks and building lines, as herein provided, shall have been acquired by the commissioners, by gift, condemnation, or otherwise, it shall be the duty of such commissioners to make, acknowledge and file for record, in the office of the recorder of deeds for Cook county, a map showing the said land, with a correct description, including section, township and range.

13. ASSESSORS HOW APPOINTED—DUTIES OF—PROCEEDINGS.] SEC. 13. As soon as the amount required for the condemnation of the grounds selected for said purposes shall have been ascertained by said commissioners with reasonable certainty, they shall apply to the judge of the circuit court of Cook county, for the appointment of three disinterested freeholders as assessors, one of whom shall reside north of Division street, one between Division and Harrison streets, and one south of Harrison street, all in said west Chicago. The commissioners shall give notice in three or more of the daily newspapers published in the city of Chicago, and by posting written or printed notices in three public places in said West Chicago, of the time when such application will be made, and all parties interested may appear and be heard by the said judge, touching such appointment, at the time fixed for such application. The court, after hearing such persons as shall desire to be heard, touching such appointment, shall nominate and appoint three assessors, qualified as aforesaid, for the purposes provided in this act. The said assessors shall proceed to assess the amount so ascertained upon the property by them deemed benefited by reason of the improvement occasioned by the location of said boulevard and parks, with their appurtenances, as near as may be, in proportion to the benefits resulting thereto, and also the damages, if any, occasioned by the taking or condem-

* Modified, see section 80.

nation of any land, right or easement as aforesaid; and in general, the form and particulars of the assessments shall be as near as may be the same required by the city charter of Chicago in the condemnation of land for, and the laying out of, streets. From the funds derived from said assessment, and from the other funds of the said board applicable to such purpose, the said board shall pay to the parties entitled thereto, the amounts respectively due them, and thereupon the title of the said lands, ways, building line, easements and parks, or that portion thereof so paid as aforesaid, shall become fixed and vested in the said board and their successors, in the manner, to the extent, for the purposes, and subject to the limitations, hereinbefore provided. Upon entering upon the duties of their office, the said assessors shall make oath before the clerk of the said circuit court faithfully and impartially to discharge the duties of their office; they shall give at least ten (10) days' notice in three (3) of the said daily papers, and by posting notices, as aforesaid, of the time and place of their meeting for the purpose of making said assessment, and may adjourn said meeting from time to time until the same shall be completed. In making the said assessment, the said assessors shall estimate the value of the several lots, blocks or parcels of land deemed benefited by them as aforesaid, and shall include the same, together with the amount assessed as benefits, in the assessment roll. All parties interested may appear before said assessors, and be heard touching any matter connected with the assessment. When the same shall be completed it shall be signed by the assessors, and returned to the said circuit court, and shall be filed by the clerk thereof. The assessors shall thereupon give at least ten (10) days' notice, in three of the said daily newspapers and by posting notices as aforesaid, of the filing of said assessment roll, and that they will, on a day therein named, apply to the circuit court for confirmation of the same, which said notice shall be published at least ten (10) days before the time fixed for such application. Said circuit court shall have power to revise, correct, amend, or confirm said assessment, in whole or in part, and may make or order a new assessment, in whole or in part, and the same revise and confirm upon like notice. All parties may appear before said circuit court, either in person or by attorney, when such application shall be made, and may object to said assessment, either in whole or in part, provided all objections shall be in writing and shall be filed at least three days before the time fixed for the application, and shall specify the lot, block or parcels of land on behalf of which objection is made. After the confirmation of the said assessment, the clerk of said circuit court shall file a copy thereof, under the seal of his said court, with the clerk of the county court of Cook county, and said assessment shall be a lien upon the several lots, blocks, or parcels of land, assessed for benefits as aforesaid. The clerk of the said Cook county court shall include in the general warrants for each year, until the assessments for the purposes authorized by this act shall have been completed, and until the whole sum shall be paid, for the collection of state and county taxes in the said town of West Chicago, the said assessments, in an appropriate column, to be termed "West Park and Boulevard Assessment," with the amount to be collected, opposite the several lots, blocks, or parcels of land assessed as aforesaid; and like proceedings in all respects shall be had for enforcing the same, as are now provided by law for the collection of state and county taxes. The moneys collected under the provisions of this section shall be paid to the treasurer of Cook county, for which he and his sureties shall be responsible as fully as for any other moneys by him received as treasurer of Cook county, and be held by him in the same manner, and be subject to the same control and direction as provided in this act, for other moneys belonging to said corporation. And the treasurer of Cook county shall be entitled to receive one-half of one per cent., and no more, of said moneys as a full compensation for receiving and disbursing the same.

14. SEPARATE ASSESSMENTS MAY BE MADE.] SEC. 14. If deemed practicable by the assessors, separate appraisements and assessments shall be made, one for that part of the said boulevard, ways, building line and easements, and for said park, building line and easements, to be made and taken north of Division street, one for the same between Division street and Harrison street, and one for the same south of Harrison street. The benefits assessed shall be the real and appreciable benefits, and the assessment shall not, in any case, be extended over any land, lots or parts of the said West Chicago, where such benefits do not exist. No assessment for boulevard or park improvement shall be made until further authorized by the general assembly.

15. COMMISSIONERS MAY BORROW MONEY.] SEC. 15. For the expense authorized herein for surveys, and for any deficiencies and necessary outlays, arising and required in the condemnation aforesaid, and in the purchase of lands and property for the purposes herein specified, and for the payment of the expenses of maintaining and improving the said boulevard and parks, and of enclosing the same when deemed necessary, and for draining and making roadways and walks upon the same, and for other expenses, disbursements and charges in

the premises, said commissioners shall have power to borrow, as they shall deem expedient, an amount of money not exceeding fifty thousand dollars (\$50,000) in the aggregate, and for a time not exceeding three years, and at a rate of interest not exceeding ten per cent. per annum, and to issue therefor the notes or obligations of the said corporation, which shall be numbered consecutively, from number one (1), and shall be signed by the president and countersigned by the secretary of said board, and shall be registered accurately and minutely in a register, which shall, at all times, be open for the examination of the public, and no note or obligation, made as aforesaid, shall be valid for an amount exceeding the sum remaining of said fifty thousand dollars (\$50,000), as appears by said register, or until the same shall have been duly registered in said register. For the payment of the principal and interest of said notes and obligations the town of West Chicago shall be irrevocably pledged, and also the proceeds of the tax hereinafter authorized.

16. EFFECT OF ADOPTION OF PARKS—DUTY OF COUNTY CLERK, ETC.] SEC. 16. The adoption of the proposition for "boulevard and parks," as hereinafter specified, shall be deemed and taken to be consent of the said town of West Chicago to the imposition of an annual tax of one-half ($\frac{1}{2}$) of one (1) mill for boulevard and park purposes as hereinafter provided. It shall be the duty of the clerk of the county court of Cook county to set down in the general tax warrants of each year for the collection of state and county taxes, in a separate column a tax of one-half ($\frac{1}{2}$) of one (1) mill, to be styled "Boulevard and Park Tax," which is hereby levied upon all the taxable property in said town of West Chicago, and shall be set down, in said column, the amount of said tax chargeable to the several persons, corporations, lots or parcels of land liable for taxes in said town; and the collector shall proceed to collect the same, in the manner now provided by law for the collection of state and county taxes; and all the provisions of law in respect to the collection of state and county taxes and proceedings to enforce the same, so far as applicable, shall apply to said assessments and taxes. The said sum of money shall be placed by the treasurer of said county of Cook to the credit of said board, and shall be drawn by said board from the county treasurer, by a warrant signed by the president and secretary of the board and countersigned by the auditor, to be appointed as aforesaid, and in [no] other way. The appointment of such auditor shall be first certified by such president and secretary, and filed in the office of said treasurer of Cook county.

17. CLOSING OF STREETS—EXCEPTIONS.] SEC. 17. It shall be lawful for said commissioners to vacate and close up any and all public roads or highways, excepting railroads for commercial purposes, which may pass through, divide or separate any lands selected or appropriated by them for the purposes of a park, and no such road shall ever be laid out through said park, except such as the said commissioners shall lay out and construct: *Provided, however,* that neither Lake street, Madison street, nor Twelfth street, nor either of the diagonal avenues or roads, leading into said city, nor any boulevard, or horse railway track of any person or corporation now authorized to make the same, shall be closed under the provisions of this section, but the same may be worked and controlled when, and so far as, within the lines of either of said parks, by the said board, but without interrupting travel over the same.

18. REMOVAL FROM OFFICE, ETC.] SEC. 18. The said commissioners, or either of them, may be removed from office by the circuit court of said county, after trial and conviction, upon the petition, with sworn charges, presented by not less than ten (10) reputable freeholders of said town of West Chicago, and if it shall appear, at said trial, that the said commissioner or commissioners have been guilty of misdemeanor or malfeasance in office under this act, and if the said court shall remove any of said commissioners from office for any such cause, before the expiration of his or their term of office, the clerk of said court shall certify to the governor of the state of Illinois, under the seal of the court, a copy of the final judgment of removal. The president and secretary of the board shall certify to the governor all other vacancies arising or occurring in the same after the organization thereof.

19. VACANCY CREATED, WHEN.] SEC. 19. The office of any commissioner, under this act, who shall not attend meetings of the board for three successive months, after having been duly notified of said meetings, without reasons satisfactory to the board, or without leave of absence from said board, may by said board be declared, and thereupon shall become, vacant.

20. ACT SUBMITTED TO THE PEOPLE.] SEC. 20. There shall be an election held in the town of West Chicago on the fourth Tuesday of March next after the passage of this act, at which election the legal voters voting at said election shall vote for or against the creation of the said board of park commissioners, the laying out and making of the said boulevard and parks with their appurtenances, the addition of said sections of land above described by numbers, to said city and said town of West Chicago, and the extension of the limits thereof,

and the imposition of the tax hereby declared to be levied, at which all legal voters residing in the said added territory shall have the right to vote. The tickets shall be written or printed, "For the Boulevard and Parks," and "Against the Boulevard and Parks;" and if a majority of the votes cast on the question shall be "For the Boulevard and Parks," then the propositions in the first part of this section specified shall be held to be consented to, and voted by the said town, and all the provisions of this act relating thereto shall take effect and be in force, with the other provisions of this act, but not otherwise: *Provided, however,* that there shall be open in the said territory added from the town of Jefferson, at the house of Henry Jewell, known as "Powell's Tavern," a poll for the casting of the votes of said last mentioned territory separately, at which election M. N. Kimball, John F. Powell and John [unclear], shall be judges of election, and the legal voters resident therein on the tenth (10th) day of February, A. D. 1869, may vote "For City Extension," and "Against City Extension," and "For the Boulevard and Parks," and "Against the Boulevard and Parks," and if a majority of the votes so cast shall be "Against City Extension," and "Against the Boulevard and Parks," then the territory herein taken from the said town of Jefferson shall not become part of the city of Chicago or of the town of West Chicago, nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson* the same as if this act had not been passed, and said vote shall not be counted with or affect the vote cast in the remaining territory embraced in this act. The clerk of the county court of Cook county shall, except as herein otherwise provided, designate the places of holding such election, and give notice thereof in three or more of the daily newspapers published in the county of Cook, at least ten (10) days preceding such election, and shall supply the judges thereof with the necessary books, papers and boxes, as in other cases of elections, and there shall be one polling or voting place in each voting district in said town, as the same were fixed at the last general election of the county of Cook. The persons who acted as judges or inspectors of election in the several districts of said town at the last general election in Cook county shall be the judges or inspectors of this election. In case the judges or inspectors of election shall not attend at the time for opening the polls, such judges or inspectors shall be chosen by the legal voters present. In case it shall be necessary to do so, the said clerk of the County court shall prescribe districts, and appoint places of voting in the added territory aforesaid, at which the legal voters present shall choose the judges or inspectors of election. The clerks shall be appointed as provided in elections for county officers. The polls shall be opened and closed, and the election conducted as elections for county officers. All legal voters of said town shall be entitled to vote at such election without any new registration, and the judges or inspectors of such election shall use the registry list made for the general election in November, A. D. 1868; and, when necessary to do so, said county clerk shall obtain copies of such registry lists of the several towns from which the said added territory is taken, and furnish them, in due time, at the place or places where the vote of the voters of the said added territory shall be taken: *Provided,* that whenever any person whose name is not on the registry list shall offer his vote at such election, the judges or inspectors shall require the same evidence of his qualification as now provided by law. The said judges of election shall, immediately after the close of the polls, count the ballots, fill out and sign the returns and tally sheets, as now provided by law in all other elections, and return the poll books and ballots to the clerk of the county court, as in other cases of election. The votes shall be canvassed in the manner provided by law for the election of state and county officers. The clerk of the county court of Cook county shall, immediately after such canvas, cause a certificate of the result of said election to be filed in the office of the secretary of state, which shall be conclusive evidence of the result of said election.

21. ACT PUBLIC AND WHEN IN FORCE.] SEC. 21. This act shall be deemed a public act, and shall be in force from and after its passage. It shall be liberally construed in all courts and places, and all acts and parts of acts in conflict with its provisions, or either of them, are hereby repealed.

an act supplemental to an act to amend the charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes, approved February 27, A. D. 1869.

[Approved April 19, 1869.]

22. ORIGINAL ACT CONFIRMED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* that the act entitled, "An act to amend the

* See section 22, *post*.

charter of the city of Chicago, to create a board of park commissioners, and authorize a tax in the town of West Chicago, and for other purposes, approved February 27th, A. D. 1869," including the affirmance of the propositions specified in the first clause of the twentieth section of said act, but excluding the remainder of said section relating to the holding of an election now past, shall be, and is hereby, re-enacted and confirmed, and shall be and is in full force and effect to all intents and purposes, except as hereinafter specified: *Provided*, that the four added sections of land from the town of Jefferson, in said act specified, viz: sections twenty-five (25), twenty-six (26), thirty-five (35) and thirty-six (36), in township forty (40), north of range thirteen (13), east, shall not become a part of the city of Chicago or of the town of West Chicago, nor shall the jurisdiction of said city be extended over the same, but the same shall remain a part of the town of Jefferson, the same as if this act had not been passed.

23. MANNER OF CONDEMNING LAND.] SEC. 2. The said commissioners provided for in the act to which this is amendatory, shall not, by virtue of anything in said act contained, be obliged to proceed for the condemnation of any property to be taken for said parks or boulevards, as provided in section eleven in said act, but in lieu thereof it shall be competent for the said commissioners, in their proceeding for the appointment of assessors, as provided for in section thirteen of said act, to cause to be devolved upon said assessors the power and duty of ascertaining and assessing as well the damages to be allowed or to become due to the owner or owners of the property to be taken or condemned for the purposes provided in said act, as the benefits to be derived to the property benefited by the said improvements. In which case, the order of the court appointing said assessors shall so specify, and the proceedings under such appointment shall conform to this amendment. And the said assessors shall ascertain and assess the damages and recompense due the owners, respectively, of the property which shall be required to be appropriated or condemned for said boulevards and parks, and the cost of acquiring title to the property which may be acquired by purchase therefor, and the costs of the proceedings authorized by this act and the act to which this is an amendment, and shall also determine what proportion of the damages, costs and expenses of the same should be borne by the public to be benefited by said improvement, and what proportion thereof should be borne by the property deemed benefited, having regard to the proportional benefit said improvement will be to each; and having ascertained the proportion which should be assessed upon property deemed benefited, shall proceed to assess the same upon such property in proportion, as near as may be, to the benefit resulting to each separate lot or parcel of land. The said assessors shall determine and appraise to the owner or owners respectively, the value of the real estate and property appropriated and condemned for the said improvement, and the injury arising to them respectively from the condemnation thereof, which shall be awarded to such owner or owners respectively. In case only a part of any lot or piece of ground is condemned for such improvement, and the balance is benefited by such improvement, the damages and benefits shall be assessed in separate sums, and if the one be greater than the other, a balance shall be struck and the difference carried forward to another column, and the difference only shall be collectable or payable.

24. PROCEEDINGS ON ASSESSMENT.] SEC. 3. When the assessment provided for in said section thirteen, and in this act, shall have been completed by said assessors, the same shall be returned to the said park commissioners, who shall fix a day upon which they will review, revise and correct such assessment, and shall give at least ten days' notice, by publication in some newspaper published in the city of Chicago, of the time and place when the said commissioners will meet to consider said assessment. The said commissioners shall have power to adjourn such hearing, from time to time, and, in their discretion, to revise and correct the assessment as to damages, benefits or otherwise, and confirm or amend the same, or refer the same back to the said assessors for revival, or direct a new assessment to be made. Said assessment, when confirmed by said commissioners, shall be final and conclusive upon all parties interested therein, except as hereinafter provided. When such assessment is confirmed by the said commissioners, they shall make a copy thereof as corrected by them, and file the same, together with their certificate of such confirmation, in the court which shall have appointed said assessors, and they shall also file therewith all such objections as shall have been made to them, in writing, to said assessment, at the meeting hereinbefore provided for. And the said commissioners shall thereupon give the notice in said section required to be given by said assessors, and upon the hearing by the said court the said confirmation shall be conclusive upon all parties interested, except such as shall have made their objections, in writing, as aforesaid, and only such objections shall be considered by the court, and, upon the confirmation of the said assessment by the court, such further proceedings shall be had upon said assessment as is provided in said section thirteen for the collection thereof.

5. WHEN TITLE VESTS.] SEC. 4. Whenever the damages allowed or awarded to the owner or owners of any lot, piece or parcel of property, taken or condemned by virtue of this act or the act to which this is an amendment, shall be paid or tendered to the owner or owners thereof, or deposited to the credit of such owner or owners in the court where the said assessment shall have been confirmed, the title to such property shall thereupon immediately vest in said commissioners for the purposes specified in said act.

6. NEW ASSESSMENT—ASSESSMENT A LIEN.] SEC. 5. If any assessment, made by virtue of the act to which this is an amendment, shall be annulled or set aside, a new assessment may be made, returned and acted upon, in like manner, and upon like notices, and with the same rights to the parties interested, as in the first. If, from any cause, the commissioners shall fail to collect the whole or any portion of any assessment levied for the purposes authorized by said act, and which shall not be canceled and set aside, the said commissioners, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency. Such assessment shall be made, as nearly as may be, in the same manner as herein prescribed for the first assessment. In all cases where partial payments shall have been made on such former assessments, they shall be credited or allowed on the new assessment to the property on which they are made, so that the assessment shall be equal and impartial in its results. If a new assessment be ineffectual, either in whole or in part, the commissioners may, at any time within the period of five years, order a third, and proceed to cause the same to be made, and so on, to be levied in the same manner and for the same purpose, and it shall constitute no legal objection to such assessment that the property may have changed hands or been transferred subsequent to the date of the original assessment; it being the true intent and meaning of this section to make the cost and expenses of such improvement a charge upon the property assessed therefor to the amount of its proportional benefit, as hereinbefore provided. Within the full period of five years from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment hereby authorized within that period.

7. RIGHT TO BORROW MONEY TO PAY PUBLIC BENEFITS.] SEC. 6. The amount found to be payable by the public for said improvement shall not be paid out of any money to be raised by special assessment, but shall be paid out of the general funds of said board, and the board are authorized to borrow, at a rate of interest not exceeding ten (10) per centum per annum, in addition to the sum of the fifty thousand dollars in said act authorized to be borrowed, such sum or sums of money as may be necessary to pay such proportion or amount of public benefits and to pledge the cash resources and receipts of said board and the credit of the town of West Chicago therefor, but the evidence of such indebtedness shall be registered in the particular manner specified in said act.

8. COMMISSIONERS TO LOCATE BOULEVARDS.] SEC. 7. In the location of the boulevard mentioned in section five of said act, the same shall commence at that point upon the north branch of the Chicago river which will connect the same with a boulevard running west of Lincoln park, if one shall be laid out or located; otherwise at such point on said river, north of Fullerton avenue, as the commissioners may determine, and said commissioners are authorized to unite with the town of Lake View, or any other person or authorities, in the construction of a bridge across said north branch at the point where such boulevards may intersect. And the said commissioners shall have the same right to locate said improvement in any part of section thirty (30), township forty (40), range fourteen (14) east, lying west of the Chicago river, and sections twenty-five (25) and twenty-six (26) and thirty-five (35) and thirty-six (36), township forty (40), range thirteen (13) east, as they have under said act in any part of West Chicago, or other territory or lands within the purview of said act, the jurisdiction over other territory and lands being expressly continued, and may cause the property therein benefited thereby to be assessed for such benefits, and the said commissioners shall have the same jurisdiction to improve, manage and govern the boulevard so located, as they have over other parts of the boulevards provided for in said act.

9. REPEALS LAST CLAUSE OF SECTION 5 OF PRECEDING ACT.] SEC. 8. So much of the said act as provides that that part of the boulevards between the north park and the north branch of the Chicago river, shall not be made unless the land therefor shall be acquired free of cost by said board, and shall not be improved until after the improvement of the parks shall have been completed, unless the same be done by voluntary contribution, be and the same is hereby repealed.*

30. MODIFIES FIRST SENTENCE SECTION 10 OF PRECEDING ACT.] SEC. 9. The first sentence of section ten of said act, relating to the closing and reducing the width of streets and avenues, is hereby modified so that the same may be done by the vote, under the ayes and noes, of three-fourths of all the members of the common council.

31. SIZE AND LOCATION OF NORTH PARK—ADDITIONAL EXPENDITURES ON MIDDLE PARK.] SEC. 10. The north park of the three parks mentioned in said act shall not be less in size than two hundred acres, and the same may be located, in whole, or in part, south of Division street and north of Kinzie street, if the land therefor can be obtained by said commissioners at a lower price per acre by so doing. For the purchase of the middle park mentioned in said act, in addition to the sum of two hundred and fifty thousand dollars, limited in said act for its cost, the further sum of one hundred and fifty thousand dollars may be expended, which shall be added to the sum of nine hundred thousand dollars in said act specified for the entire cost of said parks and boulevards, and the dimensions of the said middle park shall be increased accordingly.*

32. ACT PUBLIC AND IN FORCE.] SEC. 11. This act shall be deemed a public act. It shall be liberally construed, in all courts and places, in favor of the jurisdiction and powers conferred hereby and by the act to which this is an amendment, and in favor of the proceedings under the same and shall be in force from and after its passage.

NORTH DIVISION.

SECTION.

1. Boundaries of Lincoln Park established.
2. Appropriation and acquisition of land.
3. Duty and appointment of appraisers.
4. Quorum of appraisers, how constituted.
5. Duty of appraisers in estimating value of land and damages.
6. Appraisers may make special reports.
7. Oath of appraisers—Confirmation of report of appraisers—Judgment on.
8. Payment of damages—When title vests.
9. Removal of bodies from cemetery lots.
10. Drive on lake shore to be laid out.
11. Drive to be part of park.
12. City issue bonds to pay for land taken.
13. Comptroller to record bonds issued.
14. Bonds may be sold or used in payment for land.
15. Commissioners to record bonds and manner of use of.
16. Property pledged for the payment of bonds.
17. Lincoln park tax—How collected.
18. Authority in and compensation of appraisers.
19. Quorum of commissioners.
20. First board of commissioners named—Vacancies how filled.

SECTION.

21. General powers of board.
22. Commissioners not to be interested in contracts, etc.—Oath and bond.
23. Annual report to council—Work to be let by contract.
24. Commissioners to lease or sell buildings on land, when.
25. No commissioner, but only the board create liabilities.
26. Vacancy in office of commissioner how created.
27. Park ordinances may be passed.
28. Penalty for violating park ordinances.
29. City may receive property for park.
30. Act when in force.
31. Act March 4, 1869—A street to be laid out.
32. In force when.
33. Act March 30, 1869—Amends boundaries.
34. Change of certain streets.
35. Limitation of bonds (\$500,000) to be issued.
36. In force when.
37. Act April 19, 1869—Power to borrow money.
38. Annual tax—Repeals section 17.
39. Commissioners fix assessment, when.
40. In force when.

An act to fix the boundaries of Lincoln park in the city of Chicago, and provide for its improvement.

[Approved February 8, 1869.]

1. BOUNDARIES OF LINCOLN PARK ESTABLISHED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly, That all the land situate and lying within the following boundaries, to wit: commencing at the intersection of North avenue, in the city of Chicago and county of Cook, and Lake Michigan, and running thence west along said North avenue to North Clark street, thence along North Clark street to North Franklin street, thence along North Franklin street to Fullerton avenue, thence along Fullerton avenue to the west line of the south-east quarter of section twenty-eight (28) in township forty (40), north of range fourteen (14) east of the third (3) principal meridian, thence along said west line to the north-west corner of said south-east quarter of section twenty-eight (28), thence along the north line of said south-east quarter to Lake Michigan and thence along the shore of Lake Michigan at low water mark, as the same now is, or hereafter may be, to the place of beginning, be, and the same is hereby, declared to be a public park, to be known as Lincoln*

* Section 5, ante, page 589.

park, and shall be deemed to have been taken, by the city of Chicago, for public use and for a public park.*

2. APPROPRIATION AND ACQUISITION OF LAND.] SEC. 2. All of said land now belonging to the city of Chicago, shall be, and is hereby, appropriated for such park, without any compensation to the city, and the title to any of said land, not now owned by the city, may be acquired by said city by purchase or condemnation, as herein provided. The board of commissioners of Lincoln park, hereinafter created, may purchase any of said lands at fair and reasonable prices, to be determined by them and paid for out of bonds or money coming to their hands for the purpose of acquiring the title thereto, and the same shall be conveyed to and vest in the city, to be used as a part of the park, or the same may be acquired in the manner hereinafter set forth.

3. APPRAISERS—HOW APPOINTED—DUTY.] SEC. 3. Three discreet and competent freeholders, citizens of Chicago, shall be appointed by the circuit court of Cook county, within three months after the passage of this act, on application of the board of commissioners of said park, to act as appraisers in relation to the taking and the value of the said land mentioned in the first section of this act, or any part thereof, and in case of the death, resignation, disqualification or refusal to act of either of said appraisers, it shall be lawful for the said circuit court, at any general or special term thereof, on application of said board of commissioners, and, from time to time as often as such event shall happen, to appoint any other discreet or disinterested person, being a citizen of the city of Chicago, in the place and stead of such appraiser so dying, resigning or refusing to act. And said appraisers shall proceed to discharge the duties of their appointment and to complete their estimate and award as soon as conveniently may be, and shall file their final report in the office of the clerk of the circuit court of Cook county within three months of the date of their appointment.

4. QUORUM OF APPRAISERS.] SEC. 4. It shall be competent and lawful for a majority of said board of appraisers, designated as aforesaid, to perform the trust and duties of their appointments, and their acts shall be as valid and effectual as the acts of all the appraisers, so to be appointed, if they had acted thereon would have been, and in every case the proceedings and decisions of a majority in number in said board of appraisers acting in the premises shall be as valid and effectual as if the said appraisers appointed for such purpose had all concurred and joined therein.

5. DUTIES OF APPRAISERS.] SEC. 5. The appraisers, herein provided for, in relation to the taking and value of any of the lands mentioned in the first section of this act, shall make just and true estimate of the value of such lands, and of the loss and damage to the respective owners, lessees, and parties and persons respectively entitled to, or interested in the same, together with the tenements, hereditaments and appurtenances, privileges, or advantages to the same, belonging or in anywise appertaining by and in consequence of relinquishing the same to the said city of Chicago. And in making such estimate they shall not make any deduction or allowance for, or on account of any supposed benefits or advantages to be derived from taking said lands as public places, or in consequence thereof. And the amounts so estimated, when duly confirmed, shall be paid as hereinafter in this act provided. Whenever such estimate shall be completed, they shall file the same with the clerk of the circuit court of Cook county, and thereupon proceedings may be had to correct or confirm the same, as in this act provided.

6. APPRAISERS MAY MAKE SPECIAL REPORTS.] SEC. 6. Said appraisers and any party being owner of or interested in any of the lands mentioned in this act, may agree upon the value thereof, and upon the amount of damages and compensation to be awarded therefor; and said appraisers may make special reports in relation to any matters so agreed upon, and any such special report may be filed, and proceedings may be had to confirm the same; and the same may be confirmed in the same manner and with like effect as is provided herein in relation to other reports of said appraisers. And upon the confirmation of any such special report the amount of the awards thus confirmed, shall be paid in the same manner as if such awards had been made in a general report of said appraisers and duly confirmed.

7. APPRAISERS' OATH—CONFIRMATION OF REPORT—JUDGMENT.] SEC. 7. Before proceeding to discharge any of their duties, the appraisers, shall respectively take and subscribe an oath, in writing, before some officer authorized by law to administer oaths, honestly and faithfully to discharge the duties which shall devolve upon them in pursuance of this act, which oath shall be filed in the office of the clerk of the circuit court of the county of Cook. Said appraisers shall proceed, as soon as may be after their appointment, to discharge the

* Boundaries changed; see section 88, *post*, page 602.

duties of their trust and to make and complete their estimates, and awards, and reports as hereinafter provided: and every estimate, award, and report so made shall be signed by, at least, a majority of said appraisers, and filed in the office of the clerk of the circuit court of the county of Cook, and notice thereof given to the counsel of the corporation of said city of Chicago. Within ten days after receiving such notice of the filing of any report of said board of appraisers, said corporation counsel shall give notice by publication for ten days in, at least, two daily papers of said city of Chicago, that he will at a term of said circuit court designated therein, and at the time and place to be specified in such notice, present such report for confirmation. And if said corporation counsel shall not, within the time above prescribed, cause such notice to be given and the report to be presented for confirmation, then such notice may be given and said report may be presented for confirmation, as above prescribed, by said appraisers, or by any parties whose lands are to be taken and to whom compensation is estimated and awarded by such report. It shall be the duty of said court, at the time mentioned in said notice, to proceed immediately to the hearing of said report: and it shall have priority of all other cases pending in said court. The said court shall pronounce judgment on said report, and shall confirm the same against the several lots and parcels of land or other property described in said report, in respect to which no objections shall be filed. And such judgment shall be a lawful and sufficient condemnation of the land and property appropriated and sought to be condemned and not objected to. And the court shall hear and determine all objections in a summary way, without pleadings, and shall and may on such hearing, when objections have been interposed, render such judgment as shall seem proper, modifying and changing such assessment as it shall deem proper, and any appeal taken therefrom shall not invalidate or affect said judgment, or delay the same, except as to the property described in said appeal. Such judgment, as far as not appealed from, shall be a lawful and sufficient condemnation of the lands and property appropriated: and any appeal shall not delay proceedings under said judgment, except as to the property described in said appeal.

8. PAYMENT OF DAMAGES—WHEN LANDS VEST.] SEC. 8. Payment of the damages awarded in and by the judgments entered as aforesaid shall be made immediately, and the board of park commissioners, as hereinafter appointed, may either pay such damage to the person appearing to be entitled to the same, or bring into the said circuit court and deposit with the clerk thereof the amount of such damage, specifying at the time of each deposit, in a written report to be made to said court, the several pieces of land condemned and which are paid for by such deposit; and upon payment being made as aforesaid, the said lands shall vest forever in said city of Chicago, for the uses and purposes in this act mentioned.

9. REMOVAL OF BODIES FROM CEMETERY LOTS.] SEC. 9. It shall be the duty of any person or persons owning cemetery lots, included within the lands in the first section of this act described and to be condemned by said commissioners, to remove any bodies that may be therein interred, within six months from the confirmation of so much of the report of said commissioners as relates to said lots; and if such removal shall not be made within said six months, the board of park commissioners may, at any time thereafter, make such removal.

10. DRIVE TO BE LAID OUT.] SEC. 10. The appraisers shall also, as a part of Lincoln park, lay out a drive two hundred feet wide (so that the east line shall be the waters of Lake Michigan), from Pine street to the south line of said park, and shall proceed to make an assessment for the payment of the land taken for the same, according to the provisions of the charter of the city of Chicago in taking lands for the opening of a street,* and shall file their report with the clerk of the circuit court, when the same proceedings shall be had as provided in this act in regard to the lands to be taken for the park. And said court may render judgment against the lands and lots assessed for the several amounts assessed for benefits remaining unpaid, and the collection thereof shall be made and enforced as in the case of judgments for taxes; and the moneys so collected shall be paid to the board of park commissioners, and by them paid to the several persons entitled to damages for land taken for such drive.

11. DRIVE, PART OF PARK.] SEC. 11. Said drive, when thus laid out, shall be a part of said Lincoln park, and shall be under the control and management of the board of commissioners, to the same extent as herein provided in reference to said park, and it shall be improved by the same means.

12. CITY ISSUE BONDS FOR LAND.] SEC. 12. For the purpose of paying for the land taken for such park under the provisions of this act, the bonds of the city of Chicago, to such an amount as shall be necessary for that purpose, shall be issued by the mayor, comptroller and clerk of said city, from time to time as the same shall be required by the board of park com-

* For proceeding to open streets, see Part III, chapter 7, section 4 *et seq.*, page 441; also see Part III, chapter 8, page 488.

missioners for the purpose aforesaid, and shall be delivered to said board upon demand.* And said bonds shall be payable in twenty years from the date thereof, and shall bear interest at the rate of seven per cent. per annum, payable half-yearly on the first days of January and July in each year; and the said bonds and the proceeds of the sale thereof shall constitute the fund for paying the costs of the lands taken for the park.

13. COMPTROLLER, RECORD BONDS.] SEC. 13. As said bonds are from time to time issued, the comptroller shall cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond by him executed, showing the number of each bond and the date and amount thereof and the time when due (and such book shall be open for public inspection), and shall be delivered by him to his successor in office. The comptroller shall take a receipt from the person authorized by said board to receive said bonds.

14. BONDS MAY BE SOLD OR USED IN PAYMENT.] SEC. 14. The bonds of the city of Chicago, which shall be issued by virtue of this act, may be used, by said board of commissioners at their par value, by paying any amount which said city shall have become liable to pay for said lands, purchased or condemned under this act: or the same may be sold by public or private sale, or by subscription, upon such terms as said commissioners shall determine. And said board of park commissioners may pledge any of said bonds for money borrowed temporarily at a higher rate of interest, not exceeding ten per cent. per annum, if they shall deem it expedient and necessary so to do.

15. COMMISSIONERS KEEP RECORD OF BONDS.] SEC. 15. The board of park commissioners shall cause a full description of the bonds, received from the city, to be entered in a record to be provided for that purpose, which shall show the date, number and amount of each bond, the time when received, the time when and to whom sold, and the amount received therefor; and shall, on or before the first day of April in each year, furnish a copy thereof, verified by the oath of the custodian of such record, to the city comptroller.

16. PROPERTY PLEDGED TO PAY BONDS.] SEC. 16. The property of the city of Chicago, and the lands, authorized to be taken, by this act, for a public park, are hereby pledged for the payment of the principal and interest of said bonds.

17. TAX.] SEC. 17. The board of park commissioners, hereinafter mentioned, is hereby authorized, and it shall be their duty, on or before the first day of October in each year, to fix upon the amount, not exceeding seventy-five thousand dollars, that may be necessary to be expended for the improvement and repair of said park and drive, during the next succeeding year, and to certify the same to the clerk of the county court of Cook county, and said clerk shall apportion said amount upon the taxable property returned by the town assessors of North Chicago and of Lake View, and compute the same as a part of the taxes due and payable by the owners of said property, setting down the same in a separate column headed, "Lincoln Park Tax," and the same shall be included in the warrant issued for the collection of taxes, and collected as other taxes. In case of a failure to pay the same judgment may be rendered against the real estate assessed, and the like proceedings had as for other taxes. The taxes so collected shall be paid to the park commissioners and used by them in improving and keeping in repair the park and drive.†

18. POWER AND COMPENSATION OF APPRAISERS.] SEC. 18. The appraisers appointed by virtue of this act, shall have authority to employ surveyors and use any map on file belonging to said city, or to said county of Cook, and to cause maps to be made as may be necessary; and said appraisers shall be allowed a compensation of five dollars per day for their time actually employed in discharging their duties as such appraisers, and all such compensation, and the necessary expenses of the appraisers in discharging their duties, shall be allowed on taxation by the court aforesaid, and paid by said city of Chicago, and shall be added to and become a part of the cost of the said park.

19. COMMISSIONERS—QUORUM.] SEC. 19. The said Lincoln park shall be under the exclusive control and management of a board of commissioners to consist of five persons who shall be named and styled "The Commissioners of Lincoln Park." A majority of said commissioners (in office for the time being), shall constitute a quorum for the transaction of business; and no action of said board shall be final or binding unless it shall receive the approval of a majority of said board, whose names shall be recorded in its minutes.

20. COMMISSIONERS NAMED—NO COMPENSATION TO—VACANCY.] SEC. 20. E. B. McLaugh, John B. Turner, Andrew Nelson, Joseph Stockton and Jacob Rehm are hereby appointed and shall constitute the first board of commissioners of Lincoln park. They shall hold office, as

* See case, *The People ex rel., etc. v. Mayor, etc., of Chicago*, 51 Illinois reports, page 17.

† Repealed; see section 38; act April 19, 1869, section 2, *post*, page 602.

such commissioners for five years. No member of said board shall receive any compensation for his services. In case of a vacancy within said five years, the same may be filled by the remaining members of said board, and all vacancies occasioned by expirations of the terms of office, shall be filled by the judge of the circuit court of Cook county.

21. POWERS OF BOARD.] SEC. 21. The said board shall have full and exclusive power to govern, manage, and direct the said park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, except a police force, as may be necessary; to prescribe and define their respective duties and authority; to fix the amount of their compensation, and require bonds for the faithful performance of their duties, and, generally, in regard to said park, they shall possess all the power and authority now by law conferred on or possessed by the common council of said city, in respect to the public squares and places in said city. They may vacate any public street or alley within the limits of said park, and shall lay out a street, not exceeding one hundred feet and not less than eighty feet in width, north from Fullerton avenue, along the west line of said park, to the northern boundary thereof;* and may exercise the same power and control over such street, as the rest of the park.

22. COMMISSIONERS NOT TO HAVE INTEREST, ETC.—OATH AND BOND.] SEC. 22. It shall be a misdemeanor for any commissioner to be, directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever connected with said park, and it shall be the duty of any commissioner, or other person, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the mayor of the city of Chicago, who shall present the facts of the case to the judge of the circuit court of Cook county; such judge shall hear, in a summary manner, such commissioner in relation thereto, and any evidence he may offer, and if after such hearing he shall be satisfied of the truth thereof, he shall immediately remove the commissioner thus offending, subject to fine and imprisonment. Every commissioner shall, before entering upon the duties of his office, take and subscribe an oath to faithfully perform the duties of his office, which oath shall be filed in the office of the said clerk of the circuit court of the county of Cook, and shall each give a bond in the penal sum of fifty thousand dollars (\$50,000), for the faithful performance of his duty and payable to the city of Chicago.

23. ANNUAL REPORT—CONTRACTS.] SEC. 23. Said board of commissioners for the government of said park, shall, in the month of April of every year, make, to the common council of said city, a full report of their proceedings and a detailed statement of all their receipts and expenditures, under oath. It shall be the duty of said commissioners [to] let all work, exceeding in amount twenty-five hundred dollars (\$2,500) by contract, in the manner provided in the charter of the city of Chicago for letting of contracts for public improvements.

24. LEASE OR SALE OF BUILDINGS.] SEC. 24. It shall be lawful for the commissioners of said park, to let, from year to year, any building and the grounds attached thereto, belonging to said city, which may be within the limits of said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of said park; or said commissioners may sell any buildings and other material, being within the limits of said park and belonging to said city, which, in their judgment shall not be required for the purposes of the said park, or for public use. The proceeds of which shall be deposited to the credit of the commissioners and devoted to the improvement of the park.

25. BOARD ONLY CREATE LIABILITY.] SEC. 25. None of the said commissioners, nor any person, whether in the employ of said commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability for or on account of said board, or the moneys or property under his control, except with the express authority of said board, conferred at a meeting thereof, duly convened and held.

26. VACANCY CREATED, WHEN.] SEC. 26. The office of either of said commissioners, who shall not attend the meetings of said board for three consecutive months after having been duly notified of said meetings, without reason therefor satisfactory to said board, or without leave of absence from said board, may be by said board declared vacant.

27. PARK ORDINANCES.] SEC. 27. It shall be lawful for said board of commissioners, at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the regulation, use and government of the park under their charge, not inconsistent with the provisions of this act. Such ordinances shall, immediately upon their passage, be published for ten days, in two daily papers published in said city.

* Last clause repealed, see section 31, page 601.

28. PENALTY FOR VIOLATION OF ORDINANCES.] SEC. 28. All persons offending against such ordinances shall be deemed guilty of a misdemeanor, and shall be punished, on conviction before any court of competent jurisdiction in the county of Cook, by a fine not exceeding one thousand dollars, or by imprisonment, or both, in the discretion of the court.

29. CITY MAY RECEIVE PROPERTY FOR PARK.] SEC. 29. Real or personal property may be granted, bequeathed, or conveyed to the said city of Chicago for the purposes of improvement or ornamentation of said park, or for the establishment or maintenance, within the limits of said park, of museums, zoological or other gardens, collections of natural history, observatories, or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the said board of park commissioners; and all property so devised, granted, bequeathed, or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of the commissioners of the park.

30. IN FORCE WHEN.] SEC. 30. This act shall take effect from and after its passage.

An act to repeal a portion of an act herein named.

[Approved March 4, 1869.]

31. STREET TO BE LAID OUT.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That so much of the latter part of section twenty-one of an act entitled "An act to fix the boundaries of Lincoln park in the city of Chicago, and provide for its improvement," as follows, to wit: "And shall lay out a street not exceeding one hundred feet and not less than eighty feet in width, north from Fullerton avenue, along the west line of said park to the northern boundary thereof, and may exercise the same power and control over such street as the rest of the park," shall be, and the same is hereby repealed.*

32. IN FORCE, WHEN.] SEC. 2. This act shall be a public act, and be in force from and after its passage.

An act to amend an act entitled "An act to fix the boundaries of Lincoln park in the city of Chicago, and provide for its improvement," and limit the issue of bonds therefor.

[Approved March 30, 1869.]

33. AMENDED BOUNDARIES.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the board of commissioners of Lincoln park, under the act entitled "An act to fix the boundaries of Lincoln park in the city of Chicago, and provide for its improvement," approved February 8th, 1869, shall have power to acquire title by purchase or condemnation, in the same manner as is provided for the purchase or taking of land in the said act to which this is an amendment, to the certain pieces and parcels of land in the county of Cook and state of Illinois, and described as follows, viz.: All of the south-west quarter of section twenty-eight in township forty, north of range fourteen, east of the third principal meridian, lying east of a line commencing on the east line of said quarter section, at a point where it will be intersected by a line, five hundred feet long, running from the east line of Green Bay road, and at a right angle with said road, and running thence in a straight line north-westwardly parallel, at such point of starting, with the east line of said Green Bay road, and continuing, in a straight line, to that north line of said quarter section, and also all that part of block two in the canal trustees' subdivision of section thirty-three in said township, lying east of the lake shore ditch; the said land shall, upon such purchase or condemnation, become a part of said Lincoln park, and be paid for in the same manner as provided for the payment of the land purchased or condemned, under the act to which this is an amendment, and all the provisions of the said act, to which this is an amendment, shall, upon such purchase or condemnation, apply to said land, herein described, in precisely the same manner as if the same had constituted a part of the land described and included in the said act to which this is an amendment.†

34. CHANGE OF STREETS.] SEC. 2. It shall be the duty of such commissioners, within a reasonable time after the passage of this act, to change the direction of Franklin street, from the point at which it intersects the Lake shore ditch, to a point where said ditch intersects Fullerton avenue, and in such a manner as that the east line of said ditch shall be the west line of Franklin street, so changed, and said Franklin street and Fullerton avenue, from their

* Section 21, page 600,

† See section 1, *ante*, page 596.

said intersection with each other to North Clark street, shall hereafter always remain open. public streets.

35. LIMITATION OF BONDS.] SEC. 3. The common council of the city of Chicago shall not issue or cause to be issued, nor shall any officer of said city execute or negotiate the bonds of said city exceeding in amount the sum of five hundred thousand dollars, for the use or benefit of said Lincoln park.

36. IN FORCE, WHEN.] SEC. 4. This act shall be a public act, and be in force from and after its passage.

An act to amend an act entitled "An act to fix the boundaries of Lincoln park and provide for its improvement.

[Approved April 19, 1869.]

37. POWER TO BORROW MONEY.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the commissioners of Lincoln park, created by an act entitled "An act to fix the boundaries of Lincoln park and provide for its improvement," approved February 8th, 1869, shall have power to borrow money temporarily, not exceeding fifty thousand dollars, to be used in the improvement and maintenance of said park, but all such loans shall be paid from taxes collected during that or the next succeeding year.

38. ANNUAL TAX—REPEALS SECTION 17.] SEC. 2. Section seventeen of said act is hereby repealed, and it shall be the duty of the commissioners of Lincoln park to make an estimate of the amount of money required to pay any debt contracted by them, which may fall due during the next year, and for the improvement, maintenance and government of Lincoln park during the next succeeding year, which estimate shall be made and certified to the supervisors of the towns of North Chicago and Lake View, on or before the first day of October in each year, and it shall be the duty of said supervisors to meet at the office of the county clerk of Cook county on the second Wednesday of October, in each year, at the hour of eleven o'clock in the forenoon, when they shall examine the returns of the assessors for said towns, and ascertain the amount of taxable property in each town, and they shall then and there proceed to fix upon and determine the amount of taxes necessary for the purpose aforesaid, making the same so that there shall be uniformity with respect to persons and property in said towns; and each of said supervisors shall immediately certify to the county clerk the amount to be raised by taxation for the purposes aforesaid in their respective towns, and the county clerk shall compute and extend the same as other town taxes, and the same shall be collected as a part of, and as other town taxes, but such tax shall be placed in a separate column, headed, "Lincoln Park Tax." The taxes so levied and collected, shall be paid to the commissioners of Lincoln park, and by them applied to the purposes aforesaid.

39. COMMISSIONERS FIX ASSESSMENT, WHEN.] SEC. 3. If the said supervisors of North Chicago and Lake View shall refuse, neglect or omit to fix and determine the amount to be raised as aforesaid, or if they cannot agree with respect thereto, it shall be the duty of the commissioners of Lincoln park to meet at the county clerk's office on the next day thereafter, at eleven o'clock in the forenoon, and fix upon and determine the amount to be assessed and collected in each town for the purposes aforesaid, and certify the same to the county clerk, who shall thereupon proceed as if such sums were certified by the supervisors; and, for the performance of this duty, the said commissioners shall be deemed officers of said towns, and responsible as such.

40. IN FORCE WHEN.] SEC. 4. This act shall take effect from and after its passage.

IN GENERAL.

SECTION.

1. Commissioners declared to be corporate authorities. (Act June 16, 1871.)
2. May issue, purchase and cancel bonds—Annual tax to pay interest—Assessments—Sinking fund.
3. Special assessment for benefits—Confirmation proceedings—Lien of.
4. Proceeding to change boundaries of or location of parks, etc.
5. The use of unexpended balances.
6. Repealing clause.
7. Title to lands for parks may be acquired—(Act June 16, 1871.)

SECTION.

8. Appropriation of city land—Purchase of land of other owners.
9. Proceeding to condemn.
10. Same—Summons—Jury—Verdict.
11. Payment of damages awarded.
12. Special assessment of benefits and damages.
13. Assessment to be divided into twenty installments.
14. Proceeding to confirm assessment.
15. Proceeding after judgment.
16. Collection of unpaid assessments.
17. How bonds may be ordered to be issued.

SECTION.

18. How bonds to be issued.
19. Power to levy tax to pay bonds and interest.
20. Title of lands to vest in trust.
21. Appointment of police force.
22. Jury to determine compensation to be paid for lands, etc.
23. Governor to appoint commissioners.
24. Commissioners to report annually.
25. Town tax not exceeding three mills for parks (Act June 16, 1871).
26. Commissioners to make annual estimate of money necessary.
27. Corporate authorities to levy tax designated.
28. Proceeding where park, etc., in two towns.
29. Commissioners annual report.
30. Commissioners annual financial statement.
31. Commissioners to receive no salary and not to be interested in purchases, etc.
32. Property may be acquired for parks and boulevards.
33. Commissioners annual estimate—Park tax, how levied and collected.

SECTION.

34. Construction of sewers in boulevards—Special tax on contiguous property.
35. Corporate authorities of towns, to levy tax, designated.
36. Proceeding when sewer is in more than one town.
37. Connection with private drains provided for.
38. Proceeding to obtain right of way for sewer.
39. Proceeding to enforce payment of assessment.
40. Delinquent lots to be recorded.
41. Power of commissioners to contract for extension of time on contracts.
42. Commissioners to supervise all work and receive money.
43. Connection of boulevards in several towns authorized.
44. Commissioners annual report.
45. Commissioners not to be interested in purchase or sale of lands, etc.
46. Repeals act of June 16, 1871. (Sections 25 to 31 inclusive).
47. Repeals act of April 16, 1869 as to park front.

An act to enable the corporate authorities of two or more towns, for park purposes, to issue bonds in renewal of bonds heretofore issued by them, and to provide for the payment of the same; to make, revise and collect a special assessment on contiguous property, for benefits by reason of the location of parks and boulevards, and to make necessary changes in their location.*

[Approved June 16, 1871; in force July 1, 1871.]

1. COMMISSIONERS, ETC., DECLARED CORPORATE AUTHORITIES.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That persons who have been appointed or otherwise selected as commissioners or officers, under and in pursuance of any act or acts of the general assembly of this state, which has or have been submitted to the legal voters of one or more towns and by them respectively adopted, for the purpose of locating, establishing, inclosing, improving, or maintaining any public park, boulevard, drive-way, highway or other public work or improvement, are declared to be corporate authorities of such towns for the purposes named in such act or acts, whether such persons are authorized to discharge the duties imposed upon them as a corporation or otherwise.

2. ISSUE, PURCHASE AND CANCEL BONDS—TAX TO PAY INTEREST.] SEC. 2. Corporate authorities of towns who have been authorized by law to issue bonds for the purpose of establishing, inclosing, improving or maintaining any public park, boulevard, drive-way, highway or other public work or improvement in such towns, may issue new bonds, payable not more than twenty years from the date thereof, and the same exchange for bonds issued by such corporate authorities for the same purpose. The said corporate authorities may purchase any bonds issued by them, at any rate not exceeding the par value thereof, and issue in lieu of the same, bonds payable as aforesaid. Such new bonds shall be issued under the seal of said corporate authorities, if they have one, and shall be signed by them and countersigned by their secretary, if they have one, and bear interest not exceeding seven per cent. per annum, payable semi-annually, and the principal and interest may be made payable at any place or places within or without this state. The said bonds shall also contain a provision securing to said corporate authorities the right, if the said bonds or a sufficient number of them cannot be purchased at not exceeding one per cent. above the par value thereof, for the yearly sinking fund hereinafter provided, to pay and retire, at the end of each year after the date of said bonds, or so soon thereafter as due notice shall have been given, such number of the same as may be necessary for that purpose, to be selected by lot by said corporate authorities, in the manner hereinafter provided. It shall be the duty of said corporate authorities to keep an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and said register shall at all times be open to the inspection of the public. The public park, boulevard, drive-way, highway or other public work or improvement, on account of which said bonds may be issued, shall be irrevocably pledged for the payment of the principal and interest thereof, and the towns in which such public park, boulevard, drive-way, highway or other public work or improvement are, in whole or in part, situated shall also be irrevocably bound for the payment of the same. Bonds issued under this act may be exchanged as aforesaid or sold by said corporate authorities for such prices as they may deem expedient. But

* See acts in relation to parks in south division, page 581; also north division, *ante*, page 587.

the proceeds of bonds sold shall only be used for the payment or purchase of outstanding bonds which cannot be exchanged. The bonds received in exchange or purchased, as aforesaid, shall be canceled, whereof an entry shall be made upon the bond register of said corporate authorities showing the date, number and amount of each bond canceled, and no bonds shall be issued under this act exceeding the amount already issued, nor contrary to the provisions of section twelve, article nine of the constitution of this state, nor until provision is made by law for the collection of a direct annual tax sufficient to pay the interest on such bonds as it falls due, and also to pay and discharge the principal thereof on or before the time when the same shall become due. And whenever any provision has been made, by any act or acts of the general assembly of this state, for the assessment and collection of an annual tax, in order to pay the interest on bonds issued by said corporate authorities, the provisions of said act or acts are hereby continued and extended so as to require the assessment and collection of said annual tax, not only for the purposes of said act or acts named, but for the payment of the interest on any bonds which may be issued under this act, and to provide for the annual payment of a part of the principal thereof. Officers collecting said annual tax are required, at the end of each month, to pay to said corporate authorities so much of said tax as has been collected; and for collecting and paying over said annual tax no compensation shall be allowed, except the salary allowed by law to the collector thereof. And if, for any cause, any portion of said annual tax required to be assessed and collected as aforesaid shall, for any one or more years, fail to be collected, the said corporate authorities are required to add such deficiency or deficiencies to the amount required to be assessed in the succeeding year or years; and the amount of such deficiency or deficiencies shall be, by the proper officers, assessed and collected in the same manner as said annual tax, and, as a part thereof. The said corporate authorities are required to cause said tax, and any deficiencies occurring as aforesaid, to be assessed and collected as required by law, and to apply sufficient thereof, from time to time, to pay the interest upon said bonds issued, and which may be issued as the said interest shall fall due. And at the end of the year after the date of any bonds issued under this act, and of every year thereafter, the said corporate authorities shall, from the proceeds of said annual tax, set apart not less than three and one-fourth per cent. of the whole amount of bonds issued under this act, and a sum equal to the annual interest on said sum, at the rate of interest borne by said bonds, which sums shall be applied by said corporate authorities in the purchase of bonds issued by them, if the same can be obtained at not exceeding one per cent. above the par value thereof; and if the said corporate authorities cannot obtain said bonds, or sufficient of them, to absorb said fund at that price, then from the outstanding bonds issued under this act, and not theretofore selected, shall be selected by lot so many thereof as may be required to absorb the funds so set apart for a sinking fund. The said selection shall be made by said corporate authorities at the end of each successive year after the date of said bonds, or within one month thereafter, in the presence of one of the judges of the circuit court of said county, who, with said corporate authorities, shall make and sign duplicate certificates of the result thereof, one of which shall be filed in the office of said corporate authorities and the other in the office of the county clerk of said county. Notice of said selection, and of the numbers of the bonds so selected, shall be forthwith given by said corporate authorities in one or more newspapers published in said county and in the city of New York, and if the owners of said bonds shall be registered, notice to such owners shall also be given by letter mailed to the address of such owner at his place of residence, if known or shown upon said register. The interest on bonds selected by lot, as aforesaid, shall cease from and after the time when the semi-annual interest on the same shall fall due, next after the said selection is made, and, from the sums so set apart for a sinking fund, shall be paid the bonds so selected by lot, as aforesaid, with interest until payment or until the same shall cease as aforesaid. The funds so set apart for a sinking fund shall not be used for any purpose other than purchasing bonds to be canceled, and paying bonds selected as aforesaid for the same purpose. The bonds so selected, when paid, and the bonds purchased, shall be canceled, a certificate whereof, stating the numbers, date and amount of said canceled bonds, shall, from time to time, be made by said corporate authorities, and filed in the office of the county clerk of said county.

3. SPECIAL ASSESSMENTS FOR BENEFITS.] SEC. 8. Corporate authorities of one or more towns, who have been authorized to make, establish or maintain any local improvement, in whole or in part, by special assessment or special taxation of contiguous property, or otherwise, may estimate, as near as may be, the probable cost of the lands taken, or to be taken or purchased, for such improvement, or revise, enlarge and correct any estimate theretofore made and make a new one of the same, and of the expenses of obtaining said lands, together with the cost of making and collecting a special assessment to pay the cost of said lands and

expenses, and shall apportion the estimated cost of said lands, expenses, and the cost of assessment, as aforesaid, upon the lands situated in said towns, by said corporate authorities deemed benefited by reason of said local improvement, as near as may be, in proportion to the benefits resulting thereto. And if said corporate authorities shall not deem the lands in said towns benefited to the full extent of the estimated cost of the lands taken, or to be taken or purchased, as aforesaid, and the costs and expenses aforesaid, then the said corporate authorities shall in like manner apportion so much thereof as they shall deem the lands in said towns benefited. The said corporate authority shall give at least ten days' notice, in one or more newspapers published in the county in which such towns are situated, of the time and place of their meeting for the purpose of making said assessment, and may adjourn such meeting from time to time until the same shall be completed. In making the said assessment, the lots, blocks and parcels of land deemed benefited as aforesaid, shall be assessed according to the descriptions and divisions thereof, appearing of record in said county on the day of the said first meeting, for the purpose of making the said assessment, but no error in the description or division of any lot, block or parcel of land, in making said assessment, shall vitiate the same, provided the premises are described with substantial accuracy. The said corporate authorities shall estimate the value of the several lots, blocks or parcels of land deemed by them benefited as aforesaid, and shall include the same, together with the amount assessed for benefits, in an assessment book or roll. All parties interested may appear before said corporate authorities, and may be heard touching any matter connected with the assessment. When the same shall be completed, it shall be signed by the said corporate authorities, or by a majority thereof, and returned to the circuit court of the county in which such towns are situated, and filed with the clerk of said court; whereupon, the said corporate authorities shall give at least ten days' notice of the filing of said assessment roll and that they will, on a day named, apply to the said circuit court for confirmation of the same. Said notice shall be signed by said corporate authorities, or by a majority of them, and shall state the general nature of the improvement for which said assessment was made, and the towns, township, range and section in which the same is situated, without further description of its locality, and shall also state when the said assessment was filed in said court, and the day when the said corporate authorities will apply to said court for confirmation of the same; but said notice need not contain a description of the lots, blocks or parcels of land assessed, nor the amount assessed upon them, or any of them, nor mention any particular law or laws of this state under which said assessment was made; which said notice shall be published in one or more newspapers published in the county in which said towns are situated, at least ten days before the time therein named for such application. When it shall appear to said court that proper notice has been given, it shall have power to hear, adjudge and determine the matter of said application and all matters connected therewith. Any person interested in any lot, block or parcel of land assessed, may appear therein, in person or by attorney, and object to said assessment: *Provided*, all objections shall be in writing, and be filed in said court at least three days before the time fixed for said application, and shall specify the lots, blocks or parcels of land wherein the said person objecting is interested, in respect whereof objections are made and the grounds thereof. Said court shall have power to revise, correct, amend and confirm the said assessment in whole or in part, and may, without further notice or order, make a new assessment, in whole or in part, and the same confirm, or may order a new assessment to be made in whole or in part, and the same may revise, correct, amend and confirm, upon like notice as aforesaid or upon such notice as it may prescribe; but no order to make a new assessment, in part, shall hinder or delay the confirmation of the residue or the collection thereof. From and after the time the amount of any assessment shall be ascertained and confirmed by said court, as to any lot, block, or parcel of land so assessed, the amount thereof shall be a lien thereon and may be paid at any time. The said court shall divide the amount of said assessment into installments, and fix the amount of the first installment, but the first installment shall not exceed twenty-five (25) per cent. of the said assessment. The portion of said assessment, after deducting therefrom said first installment, shall be divided by the court into seven equal installments, which said installments shall be payable annually thereafter, and the court shall fix the time on or before which each of said installments shall severally be paid. All installments shall bear interest at the rate of seven per cent. per annum, from the time on or before which the payment of the first one is to be made. The said corporate authorities, or their officer, from time to time duly authorized by them and to be mentioned in some order or orders of said court, which it may from time to time make, shall have full power and authority to collect such assessments from the owners of such lands, and to give all proper receipts and discharges therefor. The orders of said court shall be conclusive evidence of the regularity of

all previous proceedings necessary to the validity thereof and of all matters and things therein recited as having been heard and adjudged by said court. It shall be the duty of the clerk of said court to enter in said assessment book or books, or upon said assessment roll, all revisions, corrections and amendments of such assessment, and all new assessments made by the court, and all revisions, corrections and amendments of the same, and all orders for new assessments, and all new assessments made in pursuance of such order, and all revisions, corrections and amendments of the same, together with all orders of the court in said proceedings. The said corporate authorities are required to furnish, to the clerk of said court, a duplicate copy of said assessment book and books or roll, wherein shall be entered, from time to time, by said corporate authorities, the several matters and things entered in said original assessment book or books, or upon said original assessment roll, which duplicate and the entries thereon shall, from time to time as they are made, be certified by the clerk of said court, under the seal thereof, as a true copy of the original; and such duplicate copy of the assessment book and books, or roll, certified as aforesaid, shall be sufficient authority to said corporate authorities, or to their officer designated therein, to collect any assessment therein confirmed as aforesaid, and to receipt for and discharge the same. It shall be the duty of the officer having the custody of said original assessment book or books or roll, to enter thereon from such receipt or discharge the fact of such payment, which entry shall be evidence of the same. After the proceedings in the said circuit court shall be finally concluded and terminated, it shall be the duty of the clerk thereof to deposit said original assessment book and books or roll, and all proceedings relative to the same, duly entered as aforesaid and properly certified, with the county clerk of the county in which such towns are situated. In case said assessments, or any part thereof, so confirmed, as aforesaid, shall not be paid at the time or times fixed therefor by the orders of said circuit court, it shall be the duty of the corporate authorities to return to the county treasurer, or to some general officer of said county having authority to receive state and county taxes, a list of the lots, blocks and parcels of land so assessed upon which said assessment shall remain unpaid, and the amount unpaid upon each lot, block or parcel of land; and, from and after the return of such delinquent list the said county treasurer, or other general officer of said county having authority to receive state and county taxes, as well as said corporate authorities, or their officer, shall have authority to receive any of said unpaid assessments, and to give all proper receipts and discharges therefor. It shall also be the duty of said corporate authorities to make and certify, to the county court in which such towns are situated, a return, therein designating the said delinquent lands and the due and unpaid assessments against the same, and thereupon the said corporate authorities shall give notice, by publication in one or more of said newspapers, that they will, on a day in said notice named, apply to said county court for judgment against all delinquent lots, blocks, or parcels of land upon which said assessment, or any part thereof, shall be unpaid. Such notice may be general, but must contain a description of the lots, blocks or parcels of land, and the names of parties interested, if known, and the amount due and unpaid; which notice shall be published in one or more of said newspapers at least ten days before the time fixed for making said application, and the said application may be made on the day named, or any day of the same term, by the permission of said court. The said corporate authorities and the said county treasurer, or other general officer of said county to whom said delinquent list shall have been returned, shall respectively report to said court the respective lots, blocks and parcels of land upon which said assessment has been paid to them, respectively, after the return of said delinquent list as aforesaid; and thereupon such proceedings, orders and judgments shall be had, as nearly as may be, as in cases of delinquent lands whereof judgment is prayed for the non-payment of state and county taxes, and the said judgments shall be conclusive of the regularity of all matters necessary to the validity thereof, excepting the giving of said notice of the application for judgment. After said notice for application for judgment shall have been published, the cost of publication shall be added to the assessment, as in the case of state and county taxes. After judgment shall have been rendered, the same shall be executed in the same manner, as nearly as may be, as is or may be provided by law for executing judgments for state and county taxes, but no judgment or sale of any lot, block or parcel of land so assessed, for any one installment of said assessment, shall discharge the premises from any subsequent installment of the assessment; and proceedings for the non-payment of subsequent installments may be had in the same manner as if no default had been made in previous ones. All moneys collected by said treasurer or other general officer of said county, and all moneys realized from the sales of said lands upon judgments as aforesaid, shall at once be paid over to said corporate authorities, who shall execute a proper receipt therefor. The said county treasurer, or other general officer, shall not be entitled to any compensation for receiving and disbursing of moneys by him under this act.

or for services rendered by him, as herein required, except the salary allowed him by law. Any and all moneys collected or obtained upon or out of said assessments may be applied by the said corporate authorities to and for any of the uses and purposes named or intended by the act or acts under which they are organized; and if the proceeds of said assessments shall amount to a greater sum than the cost of the lands, expenses and cost of assessment and collection as aforesaid, the overplus shall be applied by said corporate authorities towards making the improvement which they are authorized to make: *Provided*, that such excess shall not exceed the sum of twenty-five thousand dollars. If it exceeds that sum, then and in that case it shall be refunded pro rata to the parties paying such assessment. Any and all such corporate authorities as aforesaid may avail themselves of the provisions and privileges of this act, notwithstanding any provisions in the several acts creating them.

4. PROCEEDING TO CHANGE LOCATION OR BOUNDARIES.] SEC. 4. Corporate authorities of towns having the control or supervision of any public park, boulevard, drive-way or highway, which has been located in pursuance of a vote of the people of such towns, desiring to alter or change the location of the same or of any part thereof, or of any of the boundary lines of the same, may, by petition in writing, apply to the circuit court of the county in which such towns are situated, for leave to make such alteration or change. Notice of such application shall be given by said corporate authorities in some newspaper published in said county, at least ten days before the day, named therein, when said application will be made. All persons interested may appear before said circuit court, either in person or by attorney, when said application shall be made, and object to the granting thereof. After hearing all persons interested, if said court shall deem the granting of said application to be for the public interest, it shall make an order granting to such corporate authorities leave to make such alteration or change, or such part thereof, as it may deem for the public good, and granting power to acquire by purchase, or, under any law of this state for acquiring lands for public use, such additional lands as such change or alteration may, in the judgment of said court, render necessary, and if by reason of any such change or alteration any parcel of land shall no longer be deemed necessary or useful for the purposes of said park, boulevard, drive-way, or highway, the said court may direct the same to be sold and conveyed for the use of said park, upon such terms and conditions as it may think proper. Damages sustained by any person injuriously affected by reason of any such change or alteration, shall be ascertained and paid in the same manner as in other cases of the exercise of the right of eminent domain. The said corporate authorities shall make, acknowledge and file for record in the office of the recorder of deeds for such county, a map showing any change or alteration made under any order of court as aforesaid; *Provided*, that no application shall be made, under or by virtue of this section, after the first day of July in the year of our Lord one thousand eight hundred and seventy-two, nor shall any change be made affecting the general location of any such park after said date.

5. UNEXPENDED MONEY—HOW USED.] SEC. 5. When any town, towns or corporation is subject to taxation or special assessment for the improvement of any park or parks approached or connected by boulevard or boulevards, the money so raised by taxation or special assessment remaining unexpended, after defraying the expense for improving the boulevard or boulevards to said park or parks, shall be expended upon the parks (if more than one) in said town, towns or corporation, pro rata, according to the number of acres in each, unless already sufficiently improved; and it is hereby made the duty of the board of commissioners of any park or parks to cause the money to be so expended. The commissioners having in charge the maintenance and improvement of any public park or parks, boulevard, drive-way, highway or other public improvement, under or by virtue of this act, shall, on the first day of December, in the year of our Lord one thousand eight hundred and seventy-one, and annually thereafter, submit to the board of county commissioners or board of supervisors, in the county in which the same may be located, a written or printed report of all their acts and doings in relation to the parks and other improvements under their supervision or control.

6. REPEALING CLAUSE.] SEC. 6. All laws and acts inconsistent with this act are hereby repealed.

An act in regard to the completion of public parks and the management thereof.

[Approved June 16, 1871; in force July 1, 1871.]

7. TITLE TO LANDS MAY BE ACQUIRED.] SECTION 1. *Be it enacted by the People of the state of Illinois represented in the General Assembly*, That in all cases where lands within specified boundaries have been declared to be a public park, or for the enlargement of a public park, and provisions made for acquiring the title to the lands embraced within said boundaries, by purchase or condemnation, to be paid for out of bonds or the proceeds thereof, and

there is no valid provision of law for the issue of said bonds, that it shall and may be lawful to acquire the title to all such lands or any part thereof in the manner hereinafter set forth.

8. COMMISSIONERS TO PURCHASE.] SEC. 2. All lands within said boundaries, owned or acquired hereafter by the city or town in which said park is situated, are hereby appropriated for the use of such park. The board of commissioners of such park may purchase any of said lands at fair and reasonable prices, to be determined by agreement with the owners of such lands, and to be paid for out of bonds or money in their hands, for the purpose of acquiring title thereto, or any of said lands may be condemned in the manner provided herein, or in the mode prescribed by any law of this state, in regard to the exercise of the power of eminent domain.

9. PROCEEDING TO CONDEMN LAND.] SEC. 3. The supervisors and assessors, corporate authorities of any towns in which any such park may be situated, or the commissioners of any such park, by and with the consent, in writing, of said corporate authorities, may file in the office of the clerk of any court of record, held in the county where said towns are situated, a petition setting forth a description of the lands sought to be condemned, the names of all persons interested therein, as owners or otherwise, if known, or if not known stating that fact, and praying the court to assess the damages and fix the compensation to be paid for said lands. All persons who own or have any interest in the property described in the petition, shall be made parties defendant, and if any be minors or insane, the guardians or conservators shall be made defendants, and if any be married women, the husbands shall be joined as defendants. Persons interested who are unknown, may be made parties by the description of unknown owners. Guardians ad litem may be appointed for the minors.

10. SUMMONS—JURY—VERDICT.] SEC. 4. The said court to whom said petition shall be presented, shall cause to be issued a summons, returnable before said court at not less than ten days from the date of the issue thereof, during any term day, and shall be served upon the parties made defendant, as in cases in chancery; and in case any of them are unknown or reside out of the state, or, on due inquiry, cannot be found, the clerk of the court, upon affidavit being filed, showing such fact, shall cause publication to be made in some newspaper printed in his county, containing notice of the pendency of such proceeding, the parties thereto, the title of the court and the time and place of the return of the summons in the case; such publication to be made at least once in each week, the first of which shall be at least three weeks before the return day of such summons. The proceedings commenced under the provisions of this act shall be docketed by the clerk, and shall have precedence over all other causes, except criminal causes, and be submitted to and tried by a jury, without delay, as soon as reached upon the docket, unless continued for good cause or by consent. Any number of separate parcels of property may be included in one petition, and the damages for each shall be assessed separately by the same or different juries, as the court may direct. The jury shall be sworn well and truly to try the cause according to their best judgment and understanding, and to make a fair and impartial assessment of damages, according to law and the evidence given them. On motion of either party, the court or judge may, in its or his discretion, for sufficient causes shown, direct a view of the premises by the jury under such rules as it may prescribe. The jury shall assess and find the amount, if anything, which shall be paid as compensation or damages, to the respective parties interested in the property to be appropriated or damaged, or in respect of their several interests, to be ascertained as of the time when their verdict is rendered. Verdicts may be rendered in writing or stated orally in open court, and the court or judge shall cause the verdict to be recorded in such form as to express truly and fully the finding of the jury upon the issues submitted to them and the real questions arising in the cause. In case of disagreement of a jury, another jury shall be impaneled. Upon verdicts rendered by juries, such judgments shall be entered as are warranted by the facts found and adapted to the circumstances of each particular case, and the court may enforce such judgments by any power pertaining to a court of law or equity and which may be necessary for the attainment of justice. Such judgment so far as not appealed from shall be a lawful and sufficient condemnation of the lands and property appropriated, and any appeal shall not delay proceedings under said judgment, except as to the property described in said appeal.

11. PAYMENT OF DAMAGES.] SEC. 5. Payments of the damages awarded in and by the judgments entered, as aforesaid, shall be made by the board of park commissioners to the person appearing to be entitled to the same, or by bringing into the said court and depositing with the clerk thereof the amount of said damage, specifying at the time of such deposit, in a written report to be made to said court, the several pieces of land condemned and which are paid for by such deposit. And upon payment being made, as aforesaid, the title to said lands shall vest forever, as hereinafter provided, for the uses and purposes in this act men-

tioned. But if such payment or deposit shall not be made, within one year after final judgment of condemnation, the land condemned shall be forever released and discharged from the public use. The court may order the payment of the money deposited and settle all conflicting claims to the same, exercising all the powers of a court of equity.

12. SPECIAL ASSESSMENT.] SEC. 6. As soon as practicable a special assessment may be made by the supervisors and assessors, corporate authorities of the towns in which any such park may be situated, on all the lands and lots within the corporate limits of such town benefited by the proposed improvement and enlargement of any such park, and not greater than the benefits thereto, in the proportion to the benefits resulting thereto by such proposed improvement and enlargement, but the aggregate amount of such assessment shall not exceed the probable damages for taking such land, and the costs and expenses incident to such taking, the costs and expenses of said appraisement, and of making such assessment, and collecting the same, and the probable increase of damages and costs and expenses in case appeals shall be taken, of which such corporate authorities shall be the judges.

13. ASSESSMENTS TO BE DIVIDED INTO INSTALLMENTS.] SEC. 7. The amount of such special assessment on each piece or parcel of land, lot or lots, shall be divided into twenty equal installments, all of said installments, except the first, to bear interest from the date of the issuing of the warrant, as hereinafter provided, for the collection of said first installment, at the rate of seven per centum per annum, payable annually, one of which said installments, with annual interest as aforesaid on all unpaid installments, shall be due and payable each and every year, and collected with other taxes of such towns, and such assessment shall be a lien on said lands or lots: *Provided*, that any installment or installments may be paid in advance at the option of the person whose property is chargeable therewith, and the same be discharged from the lien to the extent of the payment.

14. PROCEEDING AND JUDGMENT ON ASSESSMENT.] SEC. 8. When such special assessment shall be made and completed, the supervisors and assessors making it shall report the same to the circuit court of said county, and the commissioners of said park shall give notice that application will be made for a confirmation thereof and judgment thereon, by the publication of a notice in a newspaper published in said county, at least ten days before the time fixed for such application, and said commissioners shall prosecute the same to final judgment. The circuit court shall render judgment against all lands and lots, for the several amounts assessed thereon, if no objection shall be made by the commissioners of such park or any person legally or beneficially interested in said lands or lots. If objections shall be made, the court shall hear and determine the same in a summary way, without pleadings, and may confirm, set aside or amend such assessment, in whole or in part, as to it shall seem just. In case the assessment against any piece of land or any lot shall be set aside, the supervisors and assessors, or their successors, shall proceed to make a new assessment on such land or lot, and report the same to the court, when the like proceedings shall be had. All applications for judgment under this section shall have precedence of all other cases, and be disposed of without delay.

15. DUTY OF OFFICERS UPON JUDGMENT.] SEC. 9. The clerk of the circuit court shall, within five days of the first day of November in each year, make out a copy of said judgment, including a list of the lands and lots in each town, with the judgment and the full amount of interest mentioned therein, severally assessed thereon, and a statement of the amount of the annual interest on the unpaid installments, and certify the same to be a true copy of said judgment and a correct statement of one year's interest on the unpaid installments, and deliver such certified copy of judgment and statement of interest to the collector of the proper town where such lands are situated, and this shall be a sufficient warrant to authorize such collector to collect one twentieth of the several sums as other taxes. It shall be the duty of the collector to pay over all sums so collected to the treasurer of said park commissioners, and take a receipt therefor. Such collector shall make an entry, of each payment made, opposite the lands or lots on which such special assessment shall be made in the list furnished him, and return the same to the county treasurer at the same time with his warrant for other taxes, and the county treasurer shall proceed to collect the unpaid sums required to be collected by said collector, in all respects as other taxes; and the county treasurer shall, in like manner as the town collector is herein required, make entries of all sums paid, and make return of the copy of the judgment and lists, to such general officer of the county as may be designated by the general assembly under the provisions of section four, article nine of the constitution, unless said county treasurer shall himself be such general officer, such return to be made at the same time returns of other delinquent taxes are made.

16. COLLECTION OF UNPAID ASSESSMENTS.] SEC. 10. It shall be the duty of the said officer to proceed and collect such unpaid assessments in the same manner and at the same

time that he shall proceed to collect other taxes in his hands for collection. Such officer shall pay over the amount collected by him on such list, to the treasurer of the commissioners of any such park, and take his receipt therefor.

17. BONDS MAY BE ORDERED.] SEC. 11. The supervisor and assessor of each of said towns may, from time to time, authorize bonds to be issued to an amount, including existing indebtedness of said town, so that the aggregate indebtedness of said town shall not exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the issue, from time to time, of said bonds, for the purpose of paying for the lands and lots to be purchased or condemned as aforesaid. Such authority shall be in writing, signed by the supervisor and assessor of said town, a copy of which shall be filed with the county clerk, and another copy shall be filed with such park commissioners, and be by them recorded in their record of proceedings of their board.

18. BONDS HOW ISSUED.] SEC. 12. Such bonds shall be issued when authorized by the corporate authorities of the towns, as aforesaid, in the name of said towns respectively, by the commissioners of any such park, be signed by their president and treasurer and countersigned by their secretary, with his seal of office affixed, and the special assessment herein authorized to be made. The property of said towns, respectively, and the lands used for such parks, shall be pledged for the redemption of said bonds so issued by such towns. They shall bear interest at the rate of seven per cent. per annum, payable annually, and the principal shall be payable at such time as may be determined, not exceeding twenty years, and the time for the payment of the principal shall be so distributed, as nearly as practicable, as to retire, each year, an amount equal to the amount of the special assessment collected. The special assessment shall only be used for the purchase of lands and the redemption of the bonds.

19. POWER TO TAX TO PAY BONDS.] SEC. 13. In addition to the amount of money authorized to be raised by taxation on the property of such towns for payment of any other debt contracted by the park commissioners, falling due during the next year, and for the improvement, maintenance and government of such park during the next succeeding year, the supervisors of said towns shall also add the amount of principal and interest payable on said bonds during the next year thereafter, for which there shall be no fund arising from the special assessment to be paid during such year, to be applied in the payment of such part, and certify the amount to be thus raised by taxation, which shall be collected like such other taxes, and as fast as collected shall be paid over to the treasurer of the park board.

20. TITLE TO LANDS PURCHASED HOW VESTED.] SEC. 14. The title to said lands, purchased or condemned under the provisions of this act, shall vest in said commissioners in trust for the use of said towns, but if at any time any city in which is vested the title to the lands already appropriated for such park, shall reimburse said town, principal and interest, for the cost of said lands, then the title shall be conveyed to and vest in said city.

21. POLICE FORCE.] SEC. 15. The commissioners of any such park may appoint and support a police force.

22. JURY TO DETERMINE AMOUNT OF DAMAGES.] SEC. 16. Whenever the appraisers appointed in pursuance of any law in regard to such park shall have made, or shall make any report of damages, under the provisions of any such law, in respect to any drive provided for in any such law, a jury shall be impaneled to fix and determine the amount of such compensation to be allowed any person; and in all such cases the proceedings shall be in conformity with the foregoing provisions hereof for ascertaining the compensation to be paid for lands taken for park purposes, and the verdict may be controlled by the court, and have the same force and effect as verdicts in civil and law cases.

23. COMMISSIONERS—HOW APPOINTED.] SEC. 17. In all cases where the commissioners of any such park have been named in the act establishing the same, the governor shall nominate and (by and with the advice and consent of the senate) appoint the commissioners of any such park; and the commissioners now in office under any such act of the general assembly shall transfer all money, books, papers, property and effects to the persons so appointed, as soon as they shall be qualified; and the terms of all such commissioners now in office shall cease and end with such appointment and qualification. The commissioners so appointed shall hold their offices for the term of five years and until their successors are duly appointed and qualified. All vacancies shall be filled in the same manner.

24. COMMISSIONERS' ANNUAL REPORT.] SEC. 18. The said commissioners shall, during the month of April, one thousand eight hundred and seventy-two, and annually thereafter, submit to the mayor of the city, or president of the board of trustees of the town in which said parks or any portion thereof may be located, a detailed statement, either written or

printed, showing the amount of moneys received and expended on account of such parks, and such statement shall be preserved by such mayor or president in the files of his office.

An act to enable corporate authorities of towns to levy a tax to improve public parks and boulevards and to provide for the extension of boulevards, and regulating the duties of park commissioners, and limiting the period within which they may be paid salaries.*

[Approved June 16, 1871; in force July 1, 1871.]

25. ANNUAL TAX NOT EXCEEDING THREE MILLS.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in General Assembly,* That in any town which is now or hereafter shall be included within the limits of any city in this state, in which a board of park commissioners shall exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town, and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants, and for the public, as public promenade and pleasure grounds and ways, but not for any other use or purpose without the consent of a majority, by frontage, of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or incumber the same, the corporate authorities of such town shall have the power to levy and collect annually a tax not exceeding three (3) mills on the dollar, of the taxable property in such town, according to the valuation of the same as made for purposes of state and county taxation, to be used and expended by such park commissioners in governing, maintaining and improving such parks and boulevards or pleasure-ways and paying other necessary and incidental expenses incurred in and about the management of such park and boulevards: *Provided*, that the aggregate amount levied under this or any other act shall in no single year exceed eighty thousand dollars.

26. ANNUAL ESTIMATES.] SEC. 2. Such board of park commissioners shall, annually, on or before the first day of December in each year, transmit to the corporate authorities of such town an estimate in writing of the rate or percentage of tax necessary to raise money sufficient to pay the cost of governing, maintaining and improving such parks and boulevards, and the other necessary and incidental expenses to be incurred in and about the management of such parks and boulevards during the next succeeding year; and the corporate authorities of such town, if they, or a majority of them, decide to levy such tax, shall immediately certify to the county clerk of the county in which such town shall be located, the rate or percentage of tax by them levied for the purposes herein provided, and it shall be and is hereby made the duty of the county clerk, to whom such estimate shall be furnished, to set down in the general tax warrant of the year for the collection of state and county taxes, in a separate column, to be styled a "park tax," a tax in amount equal to the sum resulting from the rate or percentage so levied by said town officers, upon the real and personal property within such town, according to the assessment roll as returned for the purposes of state and county taxation next preceding the estimate herein authorized, and shall set down in such column the amount of tax chargeable to the several persons, corporations, lots or parcels of land liable for taxes in such town according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now, or may hereafter be, provided by law for the collection of state and county taxes, and all of the provisions of law in respect to collection of state and county taxes, and proceedings to enforce the same, which are now in force, or which may be hereafter enacted, so far as applicable, shall apply to said taxes; and as fast as such tax shall be collected by the collector or other officer receiving the same, it shall be paid over to such board of park commissioners on the joint receipt of the president and treasurer of such commissioners, or such other officers of such board of commissioners as they may appoint to receive the same.

27. CORPORATE AUTHORITIES DESIGNATED.] SEC. 3. *Be it further enacted,* That the town supervisor, clerk and assessor of such town be and they are hereby designated and constituted the corporate authorities of such town, and they, or a majority of them, may levy the tax herein authorized in the manner and for the purposes herein provided; and in case of failure, for any cause, of any town to elect such officers or other corporate authorities, then such park commissioners shall be, and they are hereby, made and constituted the corporate authorities of such town, and shall in all things succeed to and perform the duties and have the power of the corporate authorities of such town for the purposes of this act.

28. PROCEEDING WHERE PARKS, ETC., IN SEVERAL TOWNS.] SEC. 4. *Be it further enacted,* That in cases where, by virtue of an act or acts heretofore passed, public parks or boulevards have been designated or established in two or more towns contiguous to each other, and where

* Repealed by section 15, act approved May 2, 1873; see section 48, *post*, page 616.

the commissioners, authorized by such act or acts to locate such park or boulevards, shall desire to connect the same by a boulevard or pleasure-way, so as to form a continuous improvement, it shall and may be lawful for such commissioners, within their respective towns, to select and designate the line of such boulevard or pleasure-way, and to acquire title to the lands, which shall be necessary to make such connection, by purchase or otherwise; and in case such commissioners cannot agree with the owner or owners, lessee or occupant of any of the real estate so selected, they may proceed to procure the condemnation of the same in such manner as is now or may be hereafter prescribed by any general law for the condemnation of lands for public use, and the cost and expense of acquiring title to such land shall be levied upon and collected by special assessment upon the property deemed specially benefited by the location of such boulevard or pleasure-way, in the same manner as the costs of other lands for parks and boulevards is assessed under the several acts creating such boards; and such boulevards or pleasure-way shall be under the control and management of such park commissioners, the same as other public grounds by them established.

29. COMMISSIONERS' ANNUAL REPORT.] SEC. 5. *Be it further enacted.* That such park commissioners shall annually make a report to the board of auditors, of their respective towns, of their actings and doings, and shall particularly set forth in such report the amount of money by them received from all sources, and how the same has been expended.

30. FURTHER REPORT.] SEC. 6. The said park commissioners shall annually, on or before the fifteenth day of January of each year, submit a detailed report of their receipts and expenditures during the preceding years, to the legislative body in the town or city in which said parks are located.

31. NO COMPENSATION TO COMMISSIONERS.] SEC. 7. No park commissioner shall receive any salary or compensation for personal services or be, directly or indirectly, interested in the purchase or sale of park lands or park bonds, and all transactions in violation of this section, shall be null and void, and the commissioner so offending shall forfeit his office, and upon proof of the offense the governor shall immediately appoint his successor; *Provided*, that the provisions of this section shall not take effect or be in force until December thirty-first, eighteen hundred and seventy-two.

An act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments.

[Approved May 2, 1873; in force July 1, 1873.]

32. PROPERTY MAY BE ACQUIRED FOR PARKS, ETC.] SEC. 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That in any town which is now included within the limits of any city in this state, in which a board of park commissioners shall now exist, having authority by law to acquire land and the appurtenances in trust for the inhabitants of such town and of a division or part of such city, and for such parties or persons as may succeed to the rights of such inhabitants and for the public as public promenade and pleasure grounds and ways, but not for any other use or purpose, without the consent of a majority by frontage of the owners of the property fronting the same, and without the power to sell, alienate, mortgage or encumber the same; the corporate authorities of such town shall have the power to levy and collect, annually, a tax not exceeding three mills on the dollar of the taxable property in such town, according to the valuation of the same as made for the purpose of state and county taxation, to be used and expended by such park commissioners in governing, maintaining and improving such parks and boulevards or pleasure-ways and paying other necessary and incidental expenses incurred in and about the management of such parks and boulevards.

33. ANNUAL ESTIMATE OF TAX—TAX HOW LEVIED.] SEC. 2. Such board of park commissioners shall annually, on or before the first day of August in each year, transmit to the corporate authorities of such town, an estimate in writing of the rate or percentage of tax necessary to raise money sufficient to pay the cost of governing, maintaining and improving such parks and boulevards and the other necessary and incidental expenses to be incurred in and about the management of such parks and boulevards during the next succeeding year; and the corporate authorities of such town, if they or a majority of them decide to levy such tax, shall immediately certify to the county clerk of the county in which such town shall be located, the rate or percentage of tax by them levied for the purposes herein provided, and it shall be and is hereby made the duty of the county clerk to whom such estimate shall be furnished to set down in the general tax warrant of the year, for the collection of state and county taxes, in a separate column, to be styled a "park tax," a tax in amount equal to the sum resulting from the rate or percentage so levied by the said town officers upon the real and personal property within such town, according to the assessment roll as returned for the

purposes of state and county taxation next preceding the estimate herein authorized, and shall set down in each column the amount of tax chargeable to the several persons, corporations, lots or parcels of land liable for the taxes in such town according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now or may hereafter be provided by law for the collection of state and county taxes, and provisions of law in respect to collection of state and county taxes and proceedings to enforce the same, which are now in force or which may be hereafter enacted, so far as applicable, shall apply to said taxes, and as fast as such tax shall be collected, by the collector or other officer receiving the same, it shall be paid over to such board of park commissioners, on the joint receipt of the president and treasurer of such commissioners, or such other officer of such board of commissioners, as they may appoint to receive the same.

34. SEWERS HOW CONSTRUCTED—SPECIAL TAX FOR.] SEC. 3. In case such board of park commissioners shall desire to improve any boulevard or pleasure-way under their control, or any part thereof, or if such commissioners shall deem it necessary for drainage purposes to construct a sewer or sewers through any lands or streets, not under their control, to connect with any natural or artificial outlet, they shall make plans and specifications for such contemplated improvement; in case such contemplated improvement is the construction of a sewer, they shall carefully designate the line thereof, and shall prepare estimates of the cost of such contemplated improvement and transmit such plans, specifications and estimates to the corporate authorities of the town where such improvement will be situated, such corporate authorities may, upon the receipt of such plans, specifications and estimates, at their next meeting, whether the same be a regular or special meeting, or at any succeeding meeting, or at a special meeting called for that purpose, determine, by ordinance to be entered upon the records of such town, whether such improvement shall be made or not; if they shall determine to make the same, they shall also prescribe that the same shall be made by special assessment or special taxation of contiguous property: *Provided*, that the tax authorized by section one of this act* shall not exceed the sum of one hundred thousand dollars annually. If such ordinance shall provide that such improvement shall be wholly or in part made by special assessments, they shall direct the supervisor of such town to file a petition in the name of the town, in the county court of his county, for proceedings to assess the cost of such improvement; such petition shall recite the ordinance for the proposed improvement, and the plans, specifications and estimates of the cost thereof, and pray that the costs thereof may be assessed in the manner prescribed by law. The proceedings to levy and collect such assessment subsequent to the filing of such petition, shall in all things, as near as may be, conform to the provisions of article nine (9) of an act of the general assembly of this state, entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872,† and all of the provisions of said article nine, so far as applicable, shall be in force and apply to any assessment made under this act. The clerk of such town shall perform the duties and possess the powers which are conferred upon the clerks of cities and villages under said article nine: *Provided*, that no improvement or sewer shall be made or constructed, under the provisions of this section, except upon the petition of the owners of a majority of the land fronting on the proposed improvement or sewer: *Provided, further*, that no sewer shall be constructed under this act through any streets belonging to any incorporated city, or to connect with any sewers within any such city, unless the assent of the common council or board of public works of such city having control of the streets and sewers of such city shall be first obtained thereto.

35. DESIGNATION OF CORPORATE AUTHORITIES TO LEVY TAX.] SEC. 4. *Be it further enacted*, That the town supervisor, clerk and assessor of such town be and they are hereby designated and constituted the corporate authorities of such town, and they, or a majority of them, may levy the tax or any of the assessments herein authorized, in the manner and for the purposes herein provided, except in towns or villages which may have or which shall hereafter become organized as a town or village under any law of this state, in which case the board of trustees of such town so organized as a village, may levy the tax or any of the assessments herein authorized in the manner and for the purposes herein authorized.

36. PROCEEDING WHEN SEWER IN TWO TOWNS.] SEC. 5. In case any sewer or sewers located as designated in the foregoing section shall be located in part in two or more towns, such commissioners shall make estimate of the cost of the portion of such sewer or sewers lying within each town separately, and shall transmit to the proper town the cost of such sewer or sewers lying and being in such town.

37. CONNECTION WITH PRIVATE DRAINS.] SEC. 6. Such sewer or sewers shall be so

* Section 32, *supra*.

† For article IX see *ante*, page 458.

constructed as to permit owners of property on the line of the same to connect private drains or sewers therewith, under such rules and regulations as the board of public works or other proper authority of the city or town may prescribe, and the same shall be constructed as near as can be, in conformity to any general plan of sewerage in use in such town.

38. PROCEEDING FOR RIGHT OF WAY FOR SEWER.] SEC. 7. In case of the construction of any sewer or sewers, under the provisions of this act, over or through any lands not under the control of such board of park commissioners, if the consent of the owner of the same cannot be obtained, the proceedings to acquire the right of way, and for making just compensation therefor, shall be in accordance with the provisions of said article nine (9) referred to in section three (3) in this act.* The petition therein provided for shall be filed in the name of the town, and the proceedings shall, in all things, as near as may be, conform to the provisions of said article nine (9), and all of the provisions of said article, so far as applicable, shall apply to and be in force in proceedings under this act.

39. PROCEEDING TO ENFORCE ASSESSMENTS.] SEC. 8. If any assessment or assessments made by assessors appointed by the circuit court, upon the application of such board of park commissioners, shall, for any cause, fail to be collected, in whole or in part, such commissioners may at any time within five years after confirmation of such assessment or assessments, file a petition in the county court of their county setting forth briefly the nature of the improvement or purpose for which such assessment or assessments were made and the total cost of such improvement, the gross amount of such assessment or assessments, a description of the real estate, lots or parcels of land upon which such assessment or assessments remain unpaid, the amount as assessed against each piece or parcel of land so remaining unpaid, the date of confirmation of such assessment or assessments and the name or names of the person or persons filing objections for such lots or parcels of land at the time of such confirmation or at any other time during the proceedings had to collect such assessment or assessments, if known to such commissioners, and the names of persons who are interested in such lots or parcels of land as purchasers or otherwise as shown by the records of the county, or by an abstract of such records, praying the court to summon such person or persons into court to answer such petition and to receive, stand by and abide such order as the court shall make in the premises: *Provided*, that any failure to procure the names of all the persons interested in such lots shall not hinder or delay the proceeding hereby authorized against those who are made parties. Upon filing such petition the clerk shall issue a summons directed to the sheriff of the county where such person or persons or any or either of them shall reside or be found, which shall be served in the same manner as writs in chancery, and in case any such person or persons so named in such summons cannot be found, or reside out of this state or shall absent himself or herself from this state so that summons cannot be served, it shall be lawful upon filing an affidavit of such fact, to cause notice to such person or persons to be published and served as in chancery proceedings, which notice shall be held and construed in all courts and proceedings as sufficient service upon such person or persons. The hearing of such petition and the determining of the matters therein alleged, shall have and take precedence over all other cases upon the dockets of such court, and such court shall at once (unless good cause for delay be shown) proceed to hear and determine the allegations in such petition contained. The said commissioners may introduce any evidence which shall tend to establish the allegations in such petition contained: *Provided*, that the original or certified copy of the original assessment roll, or so much thereof as refers to the special assessment sought to be recovered shall be prima facie evidence of the right of such petitioners to judgment according to the prayer of such petition. If either party shall demand that the matters in such petition shall be tried by a jury, the court shall order a jury to be empanelled as in cases at law, and such jury, under the direction of the court (or in case neither party shall demand a jury, the court) shall hear such proofs and witnesses as the respective parties may offer, and shall determine all questions of fact which shall be involved in the proceedings, and may upon such trial ascertain and find the sum or amount which each piece or parcel of land upon which such assessment or assessments remain unpaid, ought fairly and equitably to be assessed, having regard to the proportion of special benefits resulting to each piece or parcel of land benefited, after deducting the payments, if any, which shall have been made upon the several lots and parcels of land: *Provided*, that in no assessment or proceeding under any of the provisions of this act shall the amount of any assessment upon any lot or piece of land exceed the amount of special benefits resulting to each piece or lot of land; upon such finding, the court shall enter an order or decree declaring the amount so found to be a valid lien and assessment upon such lots or parcels of land; such order or decree shall be prima facie evi-

* Section 34, *supra*; for article IX see page 458.

dence of the regularity of all previous proceedings necessary to the validity thereof, and all matters therein recited as having been heard and adjudged by said court. It shall be the duty of the clerk of such court to make a copy of such order or decree, properly certified, and file the same in the office of the county clerk of such county, and it shall be the duty of the county clerk of such county, in the next warrant thereafter issued for the collection of state and county taxes in the town in which the property against which such a decree has been entered, or any part thereof, is situated, to set down in a column, for that purpose provided, opposite the several pieces and parcels of real estate included in such order or decree, the amount assessed upon the same by such order or decree, and it shall thereupon be the duty of the collectors of taxes to collect said assessments and enforce the payment thereof in the same manner and with all the rights, powers and authority that they have to collect state and county taxes, and all the provisions of law in respect to the collection of state and county taxes and proceedings to enforce the same which are now in force or which may be hereafter enacted, so far as applicable, shall apply to such assessments. In proceedings under this section either party, on leave of the court, may amend any of the proceedings upon such terms as the court shall deem equitable; and it shall be lawful for such commissioners to include in such petition all of the lots, pieces or parcels of land included in any assessment or assessments which are delinquent, whether such lots are owned by one person or by several persons, or such commissioners may proceed by separate petition against each owner or against each separate lot or tract of land. And the property may be described as the same was described in the original assessment, or by any subdivision which may have been made of the same subsequent to the making of such assessment. The proceedings herein authorized for the collection of delinquent assessments shall be held and construed as additional to, and not in limitation of any proceedings now authorized; and such commissioners may proceed under any laws in force for the collection of such delinquent assessments; and lands shall be held and considered as delinquent, within the meaning of this act, which have not actually paid the amount of the assessment or assessments made on such lands, it being the intention hereby to authorize proceedings to ascertain and collect the amount or proportion which any lot, tract or parcel of land should fairly contribute or pay toward the actual cost of any improvement, or purpose for which any such assessment or assessments shall have been or shall be made, and to this end the county court of the proper county is hereby vested with power and authority to make all needful rules and orders in any proceeding under this act, not herein provided, for the accomplishment of the purposes aforesaid.

40. RECORD OF DELINQUENTS.] SEC. 9. It shall be the duty of the clerk of the county court to which any lots, pieces or parcels of land shall be returned as delinquent for any assessment referred to in this act, after any sale shall have been made, and the warrant for such sale shall have been returned, to make a complete list of the lots, pieces or parcels of land against which any such assessment shall have been set aside, or the collection of which shall have been suspended by appeal or otherwise, and shall certify the same under the seal of the court and deliver the same to the recorder of deeds of his county, and the recorder of the county shall record the same, which record shall be held and construed as sufficient notice to all purchasers and encumbrancers of the existence of such assessment for the full period of five years from the confirmation of the original assessment.

41. COMMISSIONERS MAY PROCURE EXTENSION OF TIME ON CONTRACTS.] SEC. 10. In all cases in which such board of park commissioners shall have contracted with owners of property taken or purchased for any park or boulevard, for annual payments, and the tax or assessment levied to meet such payments shall not be collected or paid in time to meet such payments as they become due; it shall be lawful for such board of park commissioners to negotiate and procure an extension of the time of payment of such contracts for such period as may be agreed upon by the parties, and may contract to pay interest from the time so extended at a rate not exceeding eight per cent. per annum, payable annually, and may use and apply any funds under their control to pay such obligations when due, and the interest as the same accrues, except money raised by special assessment to build or construct sewers or improve boulevards.

42. COMMISSIONERS TO SUPERVISE WORK, ETC.] SEC. 11. All improvements made under the provisions of this act shall be done under the immediate superintendence and control of such board of park commissioners upon contracts to be made with them; and all moneys collected under any proceedings authorized by this act shall be paid to such commissioners by the person or officer collecting the same, on the joint receipt of the treasurer and president of such board of park commissioners or such other officers as they may designate, except in towns or villages organized as towns or villages, in which case the money shall be paid by the treasurer of such town or village, to the contractor or person entitled to receive the same on the order of such park commissioners.

43. BOULEVARDS AUTHORIZED.] SEC. 12. *Be it further enacted,* That in cases where, by virtue of any act or acts heretofore passed, public parks or boulevards have been designated or established in two or more towns contiguous to each other, and where the commissioners authorized by such act or acts to locate such parks or boulevards shall desire to connect the same by a boulevard or pleasure-way so as to form a contiguous improvement, or shall desire to connect such park with other portions of the park district in which such park is located, by boulevards or pleasure-way, it shall and may be lawful for such commissioners to select and designate the line of such boulevard or pleasure-way, and to acquire title to the lands, which may be necessary to make such connection, by purchase or otherwise, and in case such commissioners cannot agree with the owner or owners, lessee or occupant of any of the real estate so selected, they may proceed to procure the condemnation of the same in such manner as is now or may be prescribed by any general law for the condemnation of the lands for public use; and the cost and expense of acquiring title to such land shall be levied upon and collected by special assessment upon the property specially benefited by the location of such boulevard or pleasure-way, in the same manner as the cost of other lands for parks and boulevards is assessed under the several acts creating such board, and such boulevard or pleasure-way shall be under the control and management of such park commissioners, the same as other public grounds by them established.

44. ANNUAL REPORT.] SEC. 13. The said park commissioners shall annually, on or before the fifteenth day of March of each year, make a report to the board of auditors of their respective towns, and to the legislative body of the town or city in which said parks are located, and shall particularly set forth in such report the amount of money by them received from all sources during the preceeding year, and how the same has been expended.

45. COMMISSIONERS NOT TO BE INTERESTED, ETC.] SEC. 14. No member of such board of park commissioners shall be directly or indirectly interested in the purchase or sale of any park lands or in any contract for the improvement of any park, or shall receive any compensation for any personal services, except such, and only such, as provided by the act creating such board of park commissioners, and for a violation of this section the commissioner offending shall forfeit his office, and the vacancy shall be filled in same manner as other vacancies.

46. REPEALS ACT OF JUNE 16, 1871.] SEC. 15. *Be it further enacted,* That an act entitled, "An act to enable corporate authorities of towns to levy a tax to improve public parks and boulevards, and to provide for the extension of boulevards, and regulating the duties of park commissioners, and limiting the period within which they may be paid salaries," approved June 16, 1871, be and the same is hereby repealed: *Provided,* any tax levied under such act shall not be impaired by such repeal, but the same shall be and remain in full force and effect as to such tax.

An act to repeal an act entitled "An act in relation to a portion of the submerged lands and lake park grounds lying on and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Chicago," in force April 16, 1869.

[Approved April 15, 1873; in force July 1, 1873.]

47. REPEALS ACT STATED.] SEC. 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the act entitled "An act in relation to a portion of the submerged lands and lake park grounds lying on and adjacent to the shore of Lake Michigan on the eastern frontage of the city of Chicago," in force April 16, 1869,* be and the same is hereby repealed,

ANNEXATION OF TERRITORY.

SECTION.

1. Annexation of contiguous territory—Proceeding by owners.
2. Annexation of cities and towns—Proceeding.
3. Annexation of contiguous property when owners do not petition.
4. Notice of the proceeding.
5. Who may object—Hearing in court.
6. Finding—Judgment.

SECTION.

7. Proceeding to annex contiguous tracts of land.
8. Proceeding to disconnect border land from incorporation.
9. Record of proceeding.
10. Proceeding to annex, etc., school districts, etc.
11. Judicial notice to be taken of changes.

* For the act so repealed see Part II. "Railroads," page 289.

An act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages.

[Approved April 10, 1872; in force July 1, 1872.]

1. PROCEEDING BY OWNERS TO ANNEX PROPERTY.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

2. PROCEEDING BY INCORPORATED TOWN, ETC., TO BECOME ANNEXED.] SEC. 2. Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities, may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporation so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

3. PROCEEDING BY CITY, ETC., TO ANNEX TERRITORY.] SEC. 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for, as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city, or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed, or a major part thereof, is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this connection contained, shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns desiring to become united under this act), shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section, so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

4. NOTICE OF PROCEEDING.] SEC. 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state), and by posting up notices, at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.

5. OBJECTIONS TO ANNEXATION, HOW MADE.] SEC. 5. The legal voters resident upon

the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing, and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated), shall hear all competent evidence that may be offered by either party; and the court may continue the hearing, from time to time for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

6. FINDING—JUDGMENT—NEW TRIAL.] SEC. 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury trials.

7. PROCEEDING BY OWNERS OF CONTIGUOUS LAND.] SEC. 7. When not less than a majority in number of the legal voters, or the owner or owners of any tract or tracts of lands contiguous to any incorporated city, village or town shall, by petition, in writing, signed by them and filed in the circuit court of the county where such territory, or a major part thereof, is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

8. PROCEEDINGS TO DISCONNECT LAND.] SEC. 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by sections four, five and six, of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

9. PROCEEDINGS HAD TO BE RECORDED.] SEC. 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be), to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

10. PROCEEDING BY SCHOOL DISTRICTS, ETC.] SEC. 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or dis-annex territory, may proceed under the provisions of this act.

11. COGNIZANCE BY COURTS.] SEC. 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

BONDS.

1. Issue of new for outstanding bonds authorized, | 2. Emergency clause.
when.

An act to enable counties, cities, townships, school districts and other municipal corporations to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same.

[Approved and in force March 26, 1872.]

1. NEW BONDS AUTHORIZED TO REPLACE MATURING BONDS.] SECTION 1. *Be it enacted by the People of state of Illinois, represented in the General Assembly, That in all cases where*

any county, city, township, school district, or other municipal corporation, have issued bonds or other evidences of indebtedness for money, on account of any subscription to the capital stock of any railroad company, or on account of or in aid of any public improvement, or for any other purposes, which are now binding or subsisting legal obligations against any such county, city, township, school district or other municipal corporations, and remaining outstanding, and which were properly authorized by law, the proper authorities of any such county, city, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof, to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest as may be agreed upon with such holders or owners: *Provided*, such new bonds or other evidences of indebtedness, shall not be for a greater sum than the principal sum or sums named in such original bonds or other evidences of indebtedness, nor bear a greater rate of interest than the rate represented in the original bonds or other evidences of indebtedness; and such bonds or other evidences of indebtedness, so issued, shall show on their face that they are issued under this act: *And, be it further provided*, that the issue of such new bonds in lieu of such indebtedness, shall be authorized by a vote of a majority of the legal voters of such county, city, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation.

2. EMERGENCY CLAUSE.] SEC. 2. Whereas, some counties, cities, townships and other municipal corporations in this state, have outstanding bonds and other evidences of indebtedness that will soon fall due, and are without any remedy for renewing or funding the same, therefore this act shall be in force from and after its passage.

TAXES AND ASSESSMENTS.

SECTION.

1. Act of March 22, 1872—County treasurer, ex-officio general officer to collect taxes, etc.
2. Bond of sheriff as collector in some counties.
3. Bond of treasurer as collector.
4. Collector of taxes to make return of delinquent lands.
5. Treasurer to make settlement, when.
6. Collectors to return delinquent list, when.
7. Advertisement and sale of delinquent land.
8. Unpaid taxes of prior years added to list.
9. Powers and duties of treasurer as collector, etc.
10. Return of delinquent taxes—Proceedings on, to judgment.
11. Account of moneys collected—Payment to officer entitled to receive.
12. Certificate of purchase of land, deed, etc.
13. Redemption—Costs of redemption.
14. Emergency clause.
15. Act April 1, 1872—New assessment roll to replace one destroyed.
16. Assessor to return new roll, when.

SECTION.

17. Extension of time for performance of official acts.
18. Proceeding against delinquent land.
19. Act April 25, 1873—Mayor may appoint city assessor and city collector, when.
20. Emergency declared.
21. Act April 25, 1873—Repeals section of act April 10, 1872, requiring map by commissioners to make assessments.
22. Amendatory of legislation as to proceedings by such commissioners.
23. Preamble of act May 2, 1873.
24. Proceeding where there is a variance in description of property.
25. Sale to be made by description in return.
26. Right of the city, etc., to purchase at tax sale.
27. Emergency declared.
28. Preamble, act May 2, 1873.
29. Power to transfer certain specific funds to other objects, when.

An act to provide for the collection of revenue, and for the sale of real estate for non-payment of taxes or special assessments for state, county, municipal, or other purposes.

[Approved and in force March 22, 1872.]

1. COUNTY COLLECTOR, EX-OFFICIO.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That the county treasurer of each county in this state under township organization, and the sheriff in counties not under township organization, shall be, ex-officio, the county collector, and as such is hereby made, designated and authorized, as a general officer of his county to receive and collect taxes or special assessments, levied or assessed on property under authority or by virtue of any law, enacted by the general assembly of this state, which may be placed in his hands for collection or returned to him as delinquent, in pursuance of this or any other act of the general assembly of this state.

2. BOND OF SHERIFF.] SEC. 2. The sheriff of each county not under township

organization shall, on or before the first day of April, eighteen hundred and seventy-two, give bond as ex-officio county collector, in such sum as may be determined and fixed by the county court, in the same manner and form, substantially, as is now required by law of the collector of taxes of such county, which bond, when given, shall be subject to all the requirements of the revenue laws of this state relating to bonds of collectors of taxes in counties not under township organization. The county collector's bond, required by this section, shall be held to cover all taxes and special assessments which may be placed in the hands of such county collector.

3. BOND OF TREASURER.] SEC. 3. The county treasurer, as county collector, of each county under township organization, to whom any delinquent taxes or special assessments are returned under this act (other than from town collectors, for which he has already given bond), shall enter into good and sufficient bond, to be approved by the county board or board of supervisors, to pay over and account to the proper authorities, officers or persons, all such delinquent taxes and special assessments: *Provided*, that if the county board or board of supervisors shall not be in session, such bond may be approved by the judge of the county court and the chairman of the county board or board of supervisors.

4. COLLECTORS TO MAKE RETURNS.] SEC. 4. In counties not under township organization, town, city, and other collectors of taxes or special assessments, shall make return thereof, to the sheriff of the proper county, at the time and in the manner now prescribed by law for the return of delinquent taxes and special assessments; and such sheriff shall make application for judgment, for delinquent taxes, at the July term of the county court (after having given due notice of such application): *Provided*, that if from any cause return shall not be made to said sheriff in time to enable him to apply for judgment at said July term of said court, advertisement and application for judgment may be made at any subsequent regular term of said court. Said sheriff shall be held subject to all the provisions of the revenue laws of this state now in force, for failure or neglect of duty in regard to the advertisement, application for judgment and sale of the property on which such taxes are charged.

5. SETTLEMENTS.] SEC. 5. Sheriffs of counties not under township organization, and county treasurers of counties under township organization, shall respectively make settlement with and pay over to the proper officers, the moneys received by them, under the provisions of this act, at the time and in the manner now provided by law, in their respective counties.

6. LIST OF DELINQUENT REAL ESTATE.] SEC. 6. Collectors having the collector's rolls and warrants for the collection of taxes or special assessments, or both, for municipal or other purposes, shall, at such time as may be determined by the legislative authority of any incorporated city, town or village having the right to direct the time and manner of the return herein provided for, return to the sheriff or county treasurer, as the case may require, a list of the real estate on which taxes or special assessments, levied or assessed by such municipal or other authority, shall have become delinquent; and at such time as may be designated by said legislative authority of such city or incorporated town or village, it shall be the duty of the sheriff or county treasurer to advertise, apply for judgment, and when judgment is obtained, sell or offer for sale such delinquent real estate in the manner that real estate, delinquent for state and county taxes, is disposed of under the revenue laws of this state in force and applicable to the county in which such real estate is situated, but it shall not be required that the dates fixed in the revenue laws of this state shall be observed with respect to the returns required to be made to the sheriff or county treasurer as county collector under this section. But the relative times fixed and determined by said revenue laws for advertisement, judgment, sale and redemptions, shall be observed in all proceedings under this act, unless otherwise in this act provided.

7. ADVERTISEMENT, SALES, ETC.] SEC. 7. The provisions of this act in relation to advertising, applying for judgment and making sales for delinquent taxes or special assessments, shall apply to all cases in which application shall have been made for judgment and order of sale prior to the passage of this act.

8. UNPAID TAXES OF PRIOR YEARS.] SEC. 8. The amount of any tax or assessment due on any real estate, and remaining unpaid for any prior year or years, shall be added to the taxes of the current year, and the amount thereof shall be reported to said sheriff or county treasurer, with the amount of the taxes or assessments for the current year, and he shall advertise and sell such delinquent property as in other cases. Said additions and sales shall continue from year to year until such taxes or assessments shall have been paid by sale or otherwise.

9. POWERS AND DUTIES OF COLLECTORS.] SEC. 9. The county treasurer, and sheriff as county collectors, in the several counties, upon the return to them, as provided in this act.

shall have all the powers and perform all the duties, in regard to the collection of the state, county and municipal taxes and assessments, and applying for and obtaining judgment and order of sale for taxes on delinquent lands and lots, and making sale thereof, and in all other matters pertaining to such taxes and assessment, as the treasurers of counties under township organization have as collectors of taxes for the several townships in their respective counties, and the county courts shall have like jurisdiction, and said collectors shall make like settlements and payments, and be entitled to the same compensation for their services, as such collectors are for the same services, and shall be subject to the same penalties for any failure to perform any such duty.

10. RETURN OF DELINQUENT TAXES, ETC.] SEC. 10. All returns of delinquent taxes and assessments, and all payment of such taxes and assessments after such return, shall be made to the county treasurer, or sheriff as county collector, at his office; and said county collectors shall collect and enforce the payment of all taxes and special assessments for municipal or other purposes, where a return thereof shall have been made to them as unpaid, in the same manner as county treasurers in counties under township organization are authorized to collect and enforce the payment of state and county taxes, under existing laws. And county courts shall have jurisdiction to hear any application for judgments and orders of sale made by any county treasurer, or sheriff as county collector, to enable him to collect and enforce the payment of taxes and assessments which may have been returned to him in pursuance of this act; and such courts shall have like powers, and like proceedings may be had, as near as may be, as are by existing laws provided to be had on applications for judgments and order of sale for state and county taxes: *Provided, however,* that in the notices to be given of the intended application for judgment, the time when the sale will commence shall be fixed for the second Monday of the month succeeding the month at which such intended application for judgment and order of sale is to be made. The notices, proceedings and judgments for municipal taxes and assessments may have separate headings, indicating the lots or tracts of land taxed or assessed, and the municipal taxes and assessments and costs against such lot or tract, or where the description of the lot or tract is the same as assessed for state, county, town and municipal taxes and special assessments, the municipal taxes and special assessments may be attached thereto in separate columns, and indicated in the caption by general description; and if, from any defects in the proceedings, judgment cannot be obtained for the whole, or any part of the taxes or assessments, new proceedings may be had, as to so much as judgment was not obtained for, to be collected with the next annual taxes. The statement, in writing (or return), made to any county treasurer, or sheriff as county collector, under this act, shall, on the application for judgment, be prima facie evidence that all the requirements of the law have been complied with, in the levying of the taxes and assessments therein returned as unpaid, and in the making of such "return;" and also shall, on such application for judgment, be prima facie evidence that the taxes and assessment, therein returned as unpaid, are due and unpaid.

11. ACCOUNT OF MONEYS RECEIVED.] SEC. 11. The county treasurers, or sheriffs as county collectors, of the several counties, having received return of any unpaid taxes or assessments levied for municipal or other purposes, other than for state or county, shall keep a true account of all moneys by them collected on account thereof; and shall, as often as once in each month, and as often as once in each week if demanded by the officers to whom the same may be payable, pay over the amounts collected to the municipality or other authorities or persons entitled to receive the same; and upon sale having been made of such delinquent lands or lots, shall immediately make a final settlement, and pay over to the proper officers, authorities or persons, the full amount that shall then be in his hands, less his fees, which shall be the same as provided by law in case of state and county taxes.

12. CERTIFICATE OF PURCHASE.] SEC. 12. No purchaser or assignee of such purchaser of any land, town or city lot, at any sale of lands or lots for taxes or special assessments due, either to the state or county or incorporated town or city within the same, or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or lots so purchased, until he or she shall have complied with the following conditions, to-wit: Such purchaser or assignee shall serve, or cause to be served, a written or printed, or partly written and printed, notice of such purchase on every person in actual possession or occupancy of such land or lot, at least three months before the expiration of the time of redemption on such sale, in which notice he shall state when he purchased the land or lot, the description of the land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed a similar written or printed notice, if such person or persons shall reside in the county where such land or lot shall be situated; and in the event that

the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county; and if no newspaper is printed in the county, then in the nearest newspaper that is published in this state to the county seat of the county in which such lot or land is situated; which notice shall be inserted three times, the first time not more than five months, and the last time not less than three months before the time of redemption shall expire. Every such purchaser or assignee, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the record of the lands and lots sold for taxes and entries of redemption in the county where such lands or lots shall lie, to be by such officer entered on the records of his office, and carefully preserved among the files of his office, and which record or affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury and punished accordingly. In case any person shall be compelled, under this section, to publish a notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from such tax sale shall be permitted to redeem, he or she shall pay the officer or person who, by law, is authorized to receive such redemption money, the amount paid for printer's fee for publishing such notice, for the use of the person compelled to publish such notice as aforesaid: *Provided*, that the fee for such publication, where the notice does not include more than four tracts or lots, shall not exceed four dollars; and when the notice contains more than four tracts or lots, then there shall be allowed fifty cents for each additional tract or lot contained in such notice.

13. REDEMPTION.] SEC. 13. Real property sold under the provisions of this act may be redeemed at any time before the expiration of two years from the date of sale, by the payment, in legal money of the United States, to the county clerk of the proper county, the amount for which the same was sold, and twenty-five per cent. thereon, if redeemed at any time before the expiration of six months from the day of sale; if between six and twelve months, fifty per cent.; if between twelve and eighteen months, seventy-five per cent.; and if between eighteen months and two years, one hundred per cent. on the amount for which the same was sold. The person redeeming shall also pay the amount of all taxes and special assessments accruing after such sale, with ten per cent. interest thereon from the day of payment, unless such subsequent tax or special assessments has been paid by the person for whose benefit the redemption is made, and not by the purchaser at the tax sale, or his assignee: *Provided*, that if the real property of any minor heir, feme covert, or insane person, be sold for non-payment of taxes or special assessments, the same may be redeemed at any time after sale, and before the expiration of one year after such disability be removed, upon the terms specified in this section, and the payment of ten per cent. per annum on double the amount for which the same was sold, from and after the expiration of two years from the date of sale—which redemption may be made by their guardians or legal representatives. Tenants in common, or joint tenants, shall be allowed to redeem their individual interest in real property sold under the provisions of this act, in the same manner and under the terms specified in this section for the redemption of other real property.

14. EMERGENCY.] SEC. 14. Whereas, there is now no general officer in many cities, and in counties not under township organization, having authority to receive state and county taxes, to whom a return of unpaid taxes and municipal and special assessments can be made, or who is authorized to sell real estate for the non-payment of such taxes and assessments, whereby an emergency has arisen requiring this act to take effect immediately; therefore, this act shall take effect and be in force from and after its passage, and until the object intended by this act can be obtained under a general revenue law, which may hereafter be enacted by the general assembly, after which this act shall be of no effect, except so far as proceedings may have been commenced under this act.

An act to authorize the assessment of property, and the levy and collection of taxes in municipal corporations, and by boards of trustees or commissioners, when the assessment roll has been lost or destroyed.

[Approved and in force April 1, 1872.]

15. NEW ASSESSMENT ROLL TO REPLACE ONE DESTROYED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That in all cases where the assessment roll or any part thereof, of any city, town or village, or of any board of trustees or commissioners, having within itself the power and authority to levy taxes, shall have

been or may hereafter be lost or destroyed, a new assessment roll may be made by the proper officer or authority of said city, town, village or board, and when so made, shall take the place of the one so lost or destroyed; and the property described in the new roll shall be valued as of the day it was in the former roll.

16. ASSESSOR TO RETURN NEW ROLL, WHEN.] SEC. 2. The assessor or other officer authorized to make assessment rolls in said city, town or village, or by such board, shall make and return such new roll to the proper board or officer within thirty days after he shall have been ordered to make the same, by the board authorized to levy taxes therein; and on the return of said roll, the same proceedings shall be taken by said board upon and relating thereto, and in relation to the confirmation thereof, and the levy of taxes thereon, and the collection of the same, as the said board did take or might have taken upon and relating to said former roll, if the same had not been lost or destroyed.

17. EXTENSION OF TIME WHERE TIME PRESCRIBED.] SEC. 3. In all cases where the law authorizing the levy and collection of taxes in said city, town or village, or by any board of trustees or commissioners, prescribes a certain time within which any act relating thereto, shall be done, and the assessment roll shall be lost or destroyed as aforesaid, then the same time shall be given anew for the doing of said act, as was in the first instance prescribed. The date of the order for such new assessment to be substituted for the time originally fixed for the making of said former assessment.

18. PROCEEDING AGAINST DELINQUENT LAND.] SEC. 4. The same proceedings shall be had in relation to the return of delinquent lands and other acts authorized to be done subsequent thereto, in the case aforesaid, as though the said former roll had not been lost or destroyed; and in case such return of delinquent lands is required by law to be made to some officer other than an officer or board of such city, town or village, and is not made in season for such proceedings, then such proceedings shall be had the next following year.

An act in regard to assessors and collectors of city taxes in incorporated cities.

[Approved and in force April 25, 1873.]

19. MAYOR APPOINT COLLECTOR OR ASSESSOR, WHEN.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That in all incorporated cities in this state, which now have or may hereafter be vested with power to make an assessment of property for taxation for city purposes, and in which there is or may be no city assessor authorized to make such assessment, and no city collector authorized to collect city taxes levied by such city, it shall and may be lawful for the mayor of any such city to appoint, by and with the consent of the legislative authority thereof: a city assessor and a city collector, who shall hold office until a city assessor and a city collector for such city may be elected and qualified in the manner provided by law, and such city assessor and city collector so appointed shall perform like duties, have like powers, and give like bonds as provided by law, in regard to such officers when elected by the people.

20. EMERGENCY CLAUSE.] SEC. 2. It being important that all incorporated cities in this state, should have power to proceed with the assessment and collection of their taxes, at as early a date as practicable, an emergency has arisen requiring this act to take effect immediately; therefore, this act shall be in force from and after its passage.

An act to repeal section 25 and to amend sections 27 and 28 of article 9 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.*

[Approved April 25, 1873, in force July 1, 1873.]

21. REPEALS SECTION 25, ARTICLE 9, ACT APRIL 10, 1872.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That section twenty-five (25)† of article nine of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be and the same is hereby repealed.

22. AMENDS PROCEDURE BY COMMISSIONERS.] SEC. 2. That section 27‡ of article 9 of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be, and the same is hereby, amended so as to read as follows:

SEC. 27. It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First, They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice substantially in the following form:

* For act referred to, see Part III, chapter 8, page 459.

† Section 27 of chapter 8, in this edition, page 463.

‡ Section 29 in this edition, page 463.

Mr. _____ :

Your (here give a short description of the premises) is assessed \$_____, for public improvement. The assessment roll will be returned to the _____ term of the county court of _____ county.

(Here give date).

_____. } Commissioners.
_____. }
_____. }

Second, They shall cause at least ten days notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same, at least five successive days, in such daily newspaper; or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week for two successive weeks, in such weekly newspaper; or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated; the notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all parties interested, that the city council (or board of trustees, as the case may be), of _____, having ordered that (here insert the description and nature of improvements, substantially as in ordinance), have applied to the county court of _____ county for an assessment of the cost of said improvements according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the _____ term of said court commencing on the _____ day of _____, A. D. 18—. All persons desiring, may then and there appear and make their defense.

(Here give date).

_____. } Commissioners.
_____. }
_____. }

And that section twenty-eight (28)* of article nine of said act be and the same is hereby amended so as to read as follows: On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent, by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed; they shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when, and in what manner the same were posted; such affidavits shall be received as prima facie evidence of a compliance with this act, in regard to giving such notices; they shall also file a certificate of publication of said notice, in like manner as is required in other cases of publication of notices.

An act in relation to the collection of taxes and special assessments.

[Approved and in force May 2, 1873.]

23. PREAMBLE.] Whereas, certain requirements of the general revenue law of this state, relating to the mode of advertising the list of delinquent taxes and special assessments, to making application for judgment thereon, and the manner of making the tax sale, are impracticable; and whereas, it is desirable to remove existing defects as to the manner of collecting the taxes and special assessments, therefore,

24. VARIANCE IN DESCRIPTION OF PROPERTY.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly.* When a return to the county collector has been made, or shall hereafter be made, of any real estate delinquent for any special assessment, or annual installment thereof, levied by any incorporated city, town or village, or by any corporate authorities, commissioners or persons, pursuant to law, which assessment, or installment thereof, is required by law to be included in the advertisement and notice of application for judgment for state and county taxes, and the description or subdivision of any real estate described in such return is different from the description, or subdivision thereof, as described in the town or district collectors' book, returned to such county collector, it shall and may be lawful for the county collector to advertise all the real estate delinquent for any such assessment described in such return, according to the description thereof, as contained in such return; but such advertisement shall be made at the same time, and shall form part of his advertisement of real estate delinquent for state and county taxes.

* Section 30, chapter 8, this revision, page 464.

25. SALE TO BE MADE BY DESCRIPTION IN RETURN.] SEC. 2. The said real estate, so advertised, may be described in the county collector's delinquent return, according to the description thereof, as contained in such return and advertisement; and like proceedings shall be had to the application for judgment, and the judgment thereon, the sale and issuance of the certificate of the sale thereof, redemption from such sales and issuance of deeds thereon, as may be required by law to be had in regard to lands delinquent for state and county taxes.

26. RIGHT OF CITY, ETC., TO PURCHASE AT TAX SALE.] SEC. 3. Any incorporated city, town or village, or corporate authorities, commissioners or persons interested in any such special assessment, or installment thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf.

27. EMERGENCY.] SEC. 4. Whereas, many special assessments are now in process of collection, whereby an emergency exists why this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

An act authorizing towns and cities which have raised money for a specific purpose, to appropriate the same for other purposes.

[Approved May 8, 1873; in force July 1, 1873.]

28. PREAMBLE.] Whereas: Various towns and cities in this state have levied and collected taxes for specific purposes: and whereas, the necessity for expending said money for said specific purposes has ceased to exist or an insufficient amount has been raised; and whereas, there is no statute authorizing the appropriation, or use of such money for any other purpose than that for which the same was raised; therefor,

29. WHEN SPECIFIC FUNDS MAY BE TRANSFERRED.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the several towns and cities of this state which have raised money by taxation for a specific purpose, or an insufficient amount has been raised, be, and they are hereby, authorized by vote of the electors thereof at any regular or special town meeting, or election to be held therein, after due and legal notice of such town meeting or election shall have been given, to appropriate such money to such objects or purposes as a majority of the voters voting at such town meeting or election may determine.

WATER.

SECTION.

1. Power in cities, etc., to contract for water.

SECTION.

2. May levy tax for.

An act to enable cities and villages to contract for a supply of water for public use, and levy and collect a tax to pay for water so supplied.

[Approved April 9, 1872; in force July 1, 1872.]

1. POWER TO CONTRACT FOR WATER.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities, in such cities and villages, may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.

2. TAX MAY BE LEVIED.] SEC. 2. Any such city or village, so contracting, may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

JAILS.

SECTION.

1. County jail not to be used as lock-up.

SECTION.

2. Repealing clause.

An act to prohibit the use of common jails, by the authorities of cities and towns, as a calaboose or lock-up.

[Approved April 5, 1872; in force July 1, 1872.]

1. COUNTY JAILS NOT TO BE USED BY CITY.] SECTION 1. *Be it enacted by the People of the*

state of Illinois, represented in the General Assembly, That it shall not be lawful for the authorities of any city or town in this state to use the common jails of any county in this state as a calaboose or lock-up for persons charged with violations of the ordinances of such city or town, unless authorized by the county board, and the usual jail fees and expenses of subsistence of prisoners be paid by such city or town.

2. REPEALING CLAUSE.] SEC, 2. All laws in conflict with this act are hereby repealed.

PRIOR LAWS.

CEMETERY.

SECTION.

- | | |
|---|--|
| 1. Use of canal lot for burial purposes—Purchase thereof. | SECTION.
2. Title how to vest—Forever to remain a burial place. |
|---|--|

An act granting a lot of land in the town of Chicago, for the burial of the dead.

[Approved February 10, 1837.]

1. CONDITIONAL AUTHORITY TO USE A CANAL LOT FOR.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That the inhabitants of the town of Chicago, under the direction of the president and trustees of said town, are hereby authorized and permitted to use a lot of canal land, situated near the said town, for a burial ground, being the east half of the south-east quarter of section number thirty-three, in township number forty, range fourteen east of the third principal meridian: *Provided,* the president and trustees of said town will by an order, to be entered upon the records of their proceedings, engage and agree to pay to the state of Illinois whatever sum the said land may be valued at, by the agents of the state, whenever the state shall authorize a sale of the canal lands in the vicinity of the town of Chicago; the said land to be valued at the same price of other canal lands of a like quality and situation, and without regard to the use to which it is applied.

2. TITLE HOW TO VEST—NOT TO BE ALIENATED.] SEC. 2. When the land described in the foregoing section shall be paid for, as therein provided, the title to the same shall be vested in the president and trustees of the town of Chicago and their successors forever; but the said trustees shall not thereby acquire the right to sell, dispose of or lease the said land, or any part thereof, but the same shall, forever, remain for a public burying ground, and shall never be used for any other purpose: *Provided,* that the trustees may lay off a part thereof for the burial of the citizens of Chicago, and a part for the burial of strangers and transient persons and make such other subdivision thereof as may be deemed necessary to the public convenience.

COUNTY SEAT.

SECTION 1. Cook county constituted and county seat established at Chicago,

An act to create and organize the counties therein named.

[Approved January 15, 1831.]

1. COOK COUNTY CONSTITUTED WITH COUNTY SEAT AT CHICAGO.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That all that tract of country, to wit: Commencing at the boundary line between the states of Indiana and Illinois, at the dividing line between towns thirty-three and thirty-four north; thence west to the south-west corner of town thirty-four north of range nine east; thence due north to the northern boundary line of the state; thence east with said line to the north-east corner of the state; thence southwardly with the line of the state to the place of beginning, shall con-

stitute a county to be called Cook ; and the county seat thereof is hereby declared to be permanently established at the town of Chicago, as the same has been laid out and defined by the canal commissioners.

* * * * *

STREETS.

- SECTION.
1. Streets may be vacated on petition—The same decided, how.
2. Benefits and damages to be assessed.

- SECTION.
3. Act February 12, 1859—Power to vacate streets and alleys.
4. When in force.

An act authorizing incorporated cities to change, alter and vacate streets or parts of streets.

[Approved February 15, 1851.]

1. STREETS MAY BE VACATED, WHEN.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly, That when the corporate authorities* of any city may deem it for the best interest of their respective cities that any street or part of street shall be changed, altered or vacated, said authorities shall have the power, upon the petition of the property holders owning property on such street, or part of street, to change, alter or vacate the same, and to convey, by quit claim deed, all interest which said city may have had in the street or part of street, so vacated, to the owner or owners of lots and lands next to and adjoining the same, upon the payment by such owner or owners of all assessments which may be made against their lots or lands for and on account of benefits to the same arising from such change, alteration or vacation of any street, or part of street, as aforesaid.*

2. ASSESSMENT OF BENEFITS AND DAMAGES.] Sec. 2. The benefits and damages caused by changing, altering or vacating any street, or part of street, as aforesaid, shall be assessed and determined in the manner pointed out by the act incorporating such city, or by the ordinances thereof, in other cases.

An act to authorize the common council of the city of Chicago to vacate streets and alleys.

[Approved February 12, 1859.]

3. AUTHORITY TO VACATE STREETS AND ALLEYS.] SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the common council of the city of Chicago be, and is hereby, empowered and authorized to vacate any street or alley within said city, and if any person shall be entitled to damages, such damages shall be assessed and paid in the same manner as they would be in the opening of a street in said city.†*

4. ACT IN FORCE, WHEN.] SEC. 2. This act shall be in force from its passage.

WHARFING PRIVILEGES.

- SECTION.
1. Power to vacate streets and compromise conflicts.
2. Jurisdiction of courts to determine claims.
3. Jurisdiction of supreme court on appeal.
4. Council may vacate or alter streets.
5. Council may widen river.
6. Act February 11, 1853—Power in council to vacate streets, and in court to confirm titles to land conveyed.
7. Appeals how taken.

- SECTION.
8. City may authorize wharves to be constructed and dockage collected—Occupancy regulated.
9. Penalty for building wharves without permission.
10. Rule for construing this act.
11. Court authorized to adjudicate claims.
12. Causes may be heard, etc., in vacation.
13. When act in force.

* See powers of council, page 407, article 54; as to vote necessary, see page 410, sections 13 and 14.
† For proceedings to open streets, etc., see page 444, section 4 et seq.

An act to adjust and settle the title to the wharfing privileges in Chicago, and for other purposes.*

[Approved February 27, 1847.]

1. PREAMBLE.] Whereas, those portions of land, or parts of South Water, North Water, West Water and East Water streets, in the original town of Chicago (on the sides of said streets nearest the river), which lie eighty feet distant from the lines of the lots laid out on the sides of said streets furthest from the river, sometimes known as the "wharfing privileges," are now, and have been for a long time past, made the subject of much controversy between different persons and corporations claiming the title to the same; and, whereas, as they are now situated, neither the city of Chicago, nor any person or body corporate, derive any benefit from the same, except the persons who are occupying them, but they are a fruitful source of discord, dissatisfaction and illegal violence; and, whereas, it is for the benefit of all parties, claiming an interest therein, that the questions arising as to the title to the same, shall be settled and determined as speedily as possible; Now, therefore:

1. POWER IN COUNCIL TO VACATE, ADJUST RIGHTS AND MAKE DEEDS—EXCEPTIONS.] SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the common council of the city of Chicago shall have full power and authority to discontinue and vacate any part or portion of South Water, North Water, West Water and East Water streets, which lies beyond a line eighty feet distant from the line of the lots laid out on the sides of said streets furthest from the river (sometimes known as "wharfing privileges"), or any such part or portions as lie between the line first aforesaid and the river, and to compromise, adjust and determine all conflicting rights or claims arising between the city and any or all persons and corporations who are or may be claimants of such portion of said streets or wharfing privileges; and, for this purpose, the said common council is authorized to make and establish all necessary ordinances, rules and regulations, and to make, execute and deliver all such deeds, agreements, leases and conveyances, and to enter into, take or receive any and all such agreements as the said common council shall deem proper and expedient touching said premises: *Provided*, that nothing in this section contained shall authorize said city to do any act which shall deprive any private individuals or corporations, the trustees of the Illinois and Michigan canal, or the state, of any right, title, interest or claim, he, she, they or it may have in and to said wharfing privileges, or portion of streets, as property, without his, her, their or its consent; and all the rights, if any, of said state, and trustees of said canal, are hereby expressly reserved: *Provided*, that upon all questions arising in said council under this section, a vote of two-thirds of all the aldermen, authorized by law to be elected, shall be necessary.

2. BILL IN CHANCERY TO BE FILED—JURISDICTION OF COURT.] SEC. 2. For the purpose of adjudicating, settling and determining all the rights of the various parties, including the state, trustees of the Illinois & Michigan canal, and the city of Chicago, and all and every person and corporation, who claims or may claim any portion of said streets or said wharfing privileges, or any interest therein, of whatever name or description, the said city, or any person or corporation, claiming an interest in said portions of said streets or land, or wharfing privileges, is hereby authorized to file a bill in chancery, in either the circuit court of Cook county or the Cook county court, and to make said state, the trustees of the Illinois and Michigan canal, the city of Chicago and every person and corporation, claiming any interest in said premises, a party thereto; and said court, in which such bill shall be filed, is hereby authorized to hear and determine the same, and to adjudicate, decree and determine the respective rights of the several parties to said bill or proceedings, respectively, fully and particularly; and said court is hereby clothed with full power and jurisdiction to carry into effect all its decrees and determinations in the premises; and in case of the failure of any party to execute any deed, conveyance or other instrument required by said court, to empower the master in chancery of Cook county, or any commissioner appointed by said court, to make, execute and deliver such deed, conveyance or instrument, and the decision of such court shall be final and conclusive in the premises, unless the same shall be appealed from within ninety days from the entering of the final decree: *Provided*, that in case of appeal it shall not be necessary that the party appealing should enter into bond, but the filing of a notice, in writing, in the clerk's office of said court, signed by such party's attorney or solicitor, shall be deemed sufficient evidence of the taking of the appeal: *And provided, further*, that notice of the filing of said bill shall be served on the governor, the secretary of said

* This and the following act, except section 5 of this act, are continued in force by section 14, chapter 17, charter of 1863, see page 574, section 15. For ordinances upon the same subject, see *ante*, page 162; also page 369.

trustees, and a notice thereof published in three of the newspapers, published in Chicago, for sixty days before the day of hearing of said bill; *And provided, further*, that the ordinary process of summons in chancery shall issue, and be directed to the proper officer or officers, to be executed as in other cases in chancery; *And provided, further*, that the judge of said court shall have full power and authority to make all necessary orders for the entering of the appearance of any party to said suit.

3. APPEAL—JURISDICTION OF SUPREME COURT.] SEC. 8. In case of appeal the supreme court shall possess as full powers in the premises as in other cases of appeal, but the appeal of any party shall not require said supreme court to adjudicate any question which shall not arise between said appellant and some other party to such bill or proceeding.

4. RIGHT TO VACATE AND ALTER STREETS.] SEC. 4. The common council of said city shall have as full power to alter, widen, contract, straighten and discontinue North Water, South Water, East Water and West Water streets in said city, as any other streets: *Provided*, that the rights of the state and the trustees of the Illinois and Michigan canal, if any, shall not be affected, or invalidated, or prejudiced by any such act of the said common council.

5. COUNCIL MAY WIDEN RIVER—PROCEEDING.] SEC. 5. The said common council are, hereby, fully empowered to widen the Chicago river and the branches thereof, within the city, from time to time, as they may deem proper and necessary for the commercial business of said city, by cutting away the whole or any part of the streets or lots on the bank of said river or its branches. And, in case said common council shall determine thus to widen said river, or either of its branches, by cutting away any lot, lots or part of a lot, such proceedings shall be had, for the condemnation and appropriation of such lot or lots, or part of a lot, and the assessment of damages and benefits, as are authorized and directed by the act to incorporate the city of Chicago, and the acts amending the same for the opening of streets and alleys; and the provisions of said acts shall apply to the widening of said river or its branches, so far as they are applicable; but nothing in this section contained shall authorize the taking of private property for any such purpose, without making adequate compensation to the owner thereof.

An act to amend an act entitled "An act to adjust and settle the title to the wharfing privileges in Chicago and for other purposes," approved February 27, 1847, and in relation to wharves and docks in said city.*

[Approved February 11, 1853.]

6. POWER TO VACATE STREETS AND CONVEY LAND—COURTS TO CONFIRM.] SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly*, That the common council of the city of Chicago, shall have power and authority to discontinue and vacate the whole, or any part or portion, of North Water, East Water and West Water streets, and so much of any other street in said city as immediately fronts Chicago river, or either of its branches, and to compromise, adjust and determine all conflicting rights or claims arising between the city and any or all persons and corporations who are or may be claimants of the fee of any part or portion of said streets, or of any right or interest therein; and upon such compromise and adjustment said city may convey, by deed or otherwise, the fee in such parts or portions of said streets as may be thus vacated or discontinued to such person or persons as said council may deem entitled to the same, under the provisions of this act, or the act to which this is an amendment; and all deeds or other conveyances which have been made and delivered, or which may hereafter be made and delivered by said city, under the provisions of this act, or the act to which this is an amendment, shall be deemed valid and effectual to the conveying the title in fee of the premises, therein described, to the person or persons to whom the same are or shall be respectively made, their heirs and assigns: *Provided*, that before any such deeds or conveyances shall bar or preclude the rights of any other person or persons claiming an estate in such portions of said streets, thus vacated or discontinued, such deeds or conveyances shall be approved by the court under the provisions of this act, or the act to which this is an amendment, or an order of the circuit court shall be made, upon petition filed by said city or any person or party claiming title under such deeds or conveyances respectively, approving and confirming such deeds or conveyances upon notice given by publication in, at least, three of the daily papers published in said city of Chicago, for the space of time required in said act to which this is an amendment, directed to all persons claiming any right or interest in the premises described in said deeds or conveyances, to appear and show cause, if any they have, why such deeds or conveyances should not be approved and confirmed. The provisions of said act, to which this is an amendment, shall apply to such parts or portions

* See note to section 1, *ante*, page 629.

of the above named streets as may be discontinued, by virtue of this act, as far as the same may be applicable.

7. APPEAL.] SEC. 2. Appeals from any order of approval or confirmation under this act, may be taken within the time and in the manner and as is provided in said act to which this is an amendment and not otherwise.*

8. CITY AUTHORIZE WHARVES.] SEC. 3. The city of Chicago may authorize and empower any person or persons to whom any portion of said streets thus discontinued or vacated has been or may be conveyed under the provisions of this act, or the one to which this is an amendment, to erect wharves or docks, extending into the Chicago river, in front of the premises thus conveyed, for the purpose of facilitating the trade and commerce of said river and to receive and collect reasonable wharfage or dockage for the use of the same; and no person, except the owner of the same, or the person entitled under such owner, shall use or occupy any wharf or dock erected in said city under the permission of the common council thereof, without making reasonable compensation for such use to the owner thereof, or to the party entitled to the use thereof under such owner.

9. PENALTY FOR BUILDING WHARVES WITHOUT PERMISSION.] SEC. 4. Every wharf or dock which shall be extended or erected in any portion of the Chicago river, or either of its branches, without the express permission or authority of said city, shall be forthwith removed; and if any person or persons shall continue to occupy any such wharf or dock, not authorized by said city, after having been notified, in writing, to remove the same, such person or persons shall forfeit and pay to said city, twenty dollars for each day they shall thus occupy such wharf or dock, or suffer the same to remain in said river after the expiration of ten days from the date of said notice, to be recovered by action of debt as other penalties under the charter or ordinances of said city may be recovered.

10. CONSTRUCTION OF THE ACT.] SEC. 5. Neither this act, nor the act to which this is an amendment, shall be so construed as to make it necessary to make any other person or corporation a party to any bill authorized to be filed by the last named act, except such persons or corporations as shall have an interest in the fee or private use of so much of the premises, lot, or wharfing privilege, or street, to settle the title of which such bill may be filed; and the bills which have been or may be filed under said acts, may include such parts and so much of the streets, wharfing lots or wharfing privileges as the complainants may see fit to include therein: *Provided*, that the court may require such other premises to be included therein as may be deemed necessary by said court.

11. COURT AUTHORIZED TO ADJUDICATE CLAIMS.] SEC. 6. The court in which any suit may be pending, under the provisions of the act to which this is an amendment, or of this act, is hereby authorized and empowered, from time to time, to adjudicate and determine the rights of the respective parties to any wharfing lot or wharfing privilege, or part thereof, and to enter a final decree touching such lot or part of lot, without deferring such final decree until the rights to other lots or premises shall be determined, so that the title to each wharfing lot, or part of lot, may be adjusted at the earliest possible day, and not be delayed on account of any conflicting claims or litigation respecting other lots or premises.

12. CAUSES MAY BE HEARD IN VACATION.] SEC. 7. The circuit court, or the judges thereof, may hear and determine all matters under this act, or the one to which it is an amendment; in vacation; but all final decrees, or final orders, made therein shall be considered as made and entered at the next succeeding term of said court, in case such final order or decree shall be made in vacation, so far as the right to except to or appeal from the same, and the computation of time in which such appeal must be taken, is concerned.

13. WHEN ACT IN FORCE.] SEC. 8. This act shall take effect and be in force from and after its passage.

* Section 3, *ante*, page 630.

ADDENDUM.

RAILROADS.

LA SALLE AND CHICAGO RAILROAD COMPANY.

SECTION.

1. Conditional authority to enter city and occupy certain streets.
2. Right to cross streets—Board of public works to supervise.
3. Authority to lay tracks, etc.—Motive power.
4. Erection of viaducts, etc.
5. General ordinances to control the franchise.

SECTION.

6. City to be indemnified.
7. Conditions of the grant.
8. Further conditions of the franchise.
9. Reciprocal use of tracks and side tracks.
10. Purchase of property on which tracks are laid.

An ordinance concerning the La Salle and Chicago Railroad Company.

[Passed May 6, 1872.]

Be it ordained by the Common Council of the city of Chicago :

1. PROVISIONAL AUTHORITY TO ENTER CITY AND OCCUPY STREETS.] SECTION 1. That permission and authority be, and the same are hereby, given and granted unto the La Salle and Chicago railroad company to lay down, maintain and operate one or more railroad tracks along and upon the following named route and streets in the city of Chicago, to-wit: Commencing at the western city limits, adjacent to the right of way of the Chicago, Burlington and Quincy railroad company, thence, as near as practicable, to the said Chicago, Burlington and Quincy railroad tracks to Rebecca street, thence on the south half of Rebecca street to, or near, the east end of Rebecca street, thence to Meagher street, thence on the south side of Meagher street (and on the alleys between Johnson and Halsted streets, running on a line nearly due west of Meagher street) and across Meagher street into Stewart avenue; thence north on Stewart avenue and Beach street to Harrison street; thence north across Harrison street on the east side of the tracks of the Pittsburgh, Fort Wayne and Chicago railroad company, on any property said La Salle and Chicago railroad company may acquire by purchase condemnation or otherwise, to the south line of West Adams street: *Provided*, that the La Salle and Chicago railroad company shall not, in entering the city occupy or cross the depot grounds of another company.

2. RIGHT TO CROSS STREETS—BOARD OF PUBLIC WORKS TO SUPERINTEND.] SEC. 2. The said railroad company may cross any and all streets and alleys and railroad tracks upon or along the line of its said route. Said company to be subject to the directions of the board of public works of said city, in the construction of its said tracks and the keeping in repair of so much of said streets, alleys and crossings as may be occupied by said railroad company with its tracks, switches and turn-outs.

3. POWER TO BE USED.] SEC. 3. The said railroad company may, and it is hereby authorized to, lay down, maintain and operate one or more railroad tracks, with such turn-outs, side-tracks, switches and turn-tables as it shall deem necessary, over or across any land which it may acquire upon the line of said route, or said streets, or between the same on the line of said route, either by purchase, condemnation or otherwise, and the said railroad company

* This ordinance was inadvertently omitted from the chapter "Railroads" of special ordinances.

may use and operate its railroad tracks, hereby authorized to be laid, with locomotive engines and cars, or with horse or other animal power, as it shall deem proper, subject to all ordinances of the city of Chicago applicable to railroads similarly situated.

4. VIADUCTS AND CROSSINGS.] SEC. 4. The said railroad company shall have the right, and is hereby authorized, to depress its tracks, to bridge the cross streets over said tracks, and to employ such other means as to such cross streets as it may deem necessary to secure quick transit, under the direction and superintendence of the board of public works of the city of Chicago, and all bridges, when erected, with the approaches thereto, shall belong to, and be the property of the city of Chicago. Convenient crossings shall be made and maintained by said company where said track or tracks cross any street or alley within said city, according to the directions of the board of public works of said city; but the permission and authority herein granted are upon the express condition that the said company shall erect viaducts over its tracks on any street or streets of said city which may be crossed by its said tracks where and as the said board of public works or the common council may, from time to time, require: *Provided*, that said viaducts shall have approaches thereto on either side thereof; said approaches to have an elevation of not more than one foot to every forty feet in length, and that said approaches to said viaduct or viaducts shall likewise be erected, built and maintained at the expense of said railroad company: *Provided, however*, that said company shall not be required to erect more than two of such viaducts in any one year; and that where such viaducts cannot be built at any such crossing without the same be built over the track or tracks of some other railway company or companies, then said company shall only be obliged to join with such other last mentioned railroad company or companies, and to pay its fair proportion of the costs of such viaduct or viaducts, and that such viaducts shall be erected under the superintendence of and in such manner as said board of public works may require; but it is hereby provided that the first two viaducts to be erected in pursuance of this ordinance shall be, one over the Canal street crossing and one over the Halsted street crossing, and that if a viaduct shall be built over the said Canal street crossing before said La Salle and Chicago railroad shall lay down a track across said Canal street, the said La Salle and Chicago railroad company shall pay its fair proportion (with other railroad companies), of the costs of said last mentioned viaduct.

5. GRANT SUBJECT TO ORDINANCES.] SEC. 5. The said railroad company shall be subject to all general laws and ordinances of the common council of the said city, in relation to railroads.

6. INDEMNITY TO THE CITY.] SEC. 6. The permission and authority hereby granted are upon the further express condition that the said La Salle and Chicago railroad company shall and will forever indemnify and save harmless the city of Chicago against and from any and all damages, judgments, decrees and costs and expenses of same which it may suffer or which may be recovered or obtained against said city for or by reason of the granting of such privileges and authority, or for or by reason of, or growing out of, or resulting from the passage of this ordinance or any matter or thing connected therewith, or with the exercise by the said company of the privileges hereby granted.

7. CONDITIONS OF THE FRANCHISE.] SEC. 7. The permission and authority herein granted are upon the further express condition that said railroad company shall and will, within three years from the time that said company shall lay down and construct said track or tracks upon said streets, commence and prosecute in good faith, in some court of competent jurisdiction, proceedings for the ascertainment of and the making of compensation for all legal damages that may be suffered by any person or persons in their property or possessions by reason of such laying down and construction of such track or tracks or any part thereof; and that having so commenced such proceedings said railroad company shall prosecute the same in good faith, without unreasonable delay, to completion: *Provided*, that this section shall not apply to any property or possessions the owner of or party interested in which, shall not have claimed such compensation within said three years.

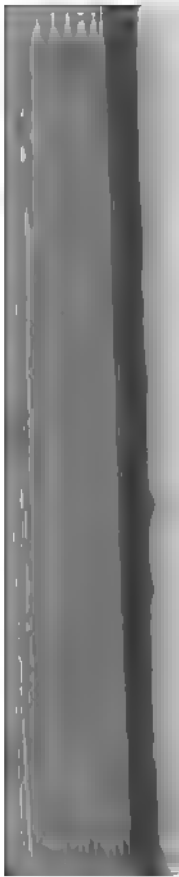
8. OTHER CONDITIONS AS TO TRACKS, ETC.] SEC. 8. The permission and authority herein granted are upon the further express condition, to wit: That said La Salle and Chicago railroad company shall permit any corporation, person or persons, duly authorized by ordinance of said city, to construct side tracks to intersect any track or tracks of said railroad company, within the limits of said city, for the purpose of conveying property to and from said railroad to any warehouse, lumber yard, coal yard or manufactory situated within one thousand (1,000) feet of such railroad, and upon reasonable compensation being made therefor shall, at all times, permit the owner or lessees of any such side track, or the consignees of any property, to take the cars containing such property to him or them consigned to any such warehouse, lumber yard, coal yard or manufactory situated upon any such side track; and

that any such owner, lessee or person conducting or carrying on any such warehouse, lumber yard, coal yard or manufactory shall be entitled to have any property taken from any such warehouse, lumber yard, coal yard or manufactory over any such side track to and upon the track of said railroad, under the directions and regulations of said La Salle and Chicago railroad company, without unreasonable delay; *Provided, however*, that any cars so taken shall be returned without any unnecessary delay.

9. RECIPROCITY IN USE OF TRACKS.] SEC. 9. The privileges authorized herein are granted upon the express condition that the La Salle and Chicago railroad company shall permit any other railroad companies, not exceeding two in number, which have not at present any right of entrance into the city of Chicago under any ordinance or grant of said city, to use the said tracks hereby authorized to be laid on the streets herein named jointly with the said La Salle and Chicago railroad company (and to lay down tracks upon and across any lands owned, leased or occupied by the said La Salle and Chicago railroad company, when necessary to the exercise of the privileges hereby granted), upon such fair and equitable terms as may be agreed upon by said companies: and in the event that said companies cannot agree upon such terms, the same shall be settled by three disinterested persons, one to be selected by said La Salle and Chicago railroad company, one to be named by such other company as may desire to use said tracks, and the third by the said two persons, and the terms and conditions which shall be fixed and determined by said persons, or a majority of such persons, shall be the terms and conditions upon which said companies respectively shall use and occupy said tracks and lay down tracks upon and across said lands; and such other railroad companies which may be allowed the use of said tracks shall have the same privileges to run cars upon and across said streets and alleys as are herein granted to said La Salle and Chicago railroad company, and shall be subject to all the conditions, restrictions and terms contained in this ordinance,

10. CONDITIONS AS TO ACQUISITION OF ROAD-BED, ETC.] SEC. 10. The rights and privileges hereby granted are upon the further express condition that the La Salle and Chicago railroad company shall purchase (and pay for the same), from all resident owners who may desire to sell the same, the property upon which they respectively now reside, fronting upon any street, before it lays its tracks upon the part of said street in front of the said property, and in case the property owners above referred to and said railroad company cannot agree upon the value of said premises as above stated, then said property owners shall select one person, said railroad company one person, and said two men so selected shall select a third person, and said three persons so selected shall be and are hereby constituted a committee of arbitration, and who shall appraise the value of said premises within thirty (30) days after said appointment, and the appraisement and decision of said three persons, or of a majority of such three persons, shall be final and binding upon said railroad company, and upon said property owners. The term "fronting" shall be held to include both fronts of corner lots: *Provided, further*, that this ordinance shall be null and void unless the tracks herein provided for shall be constructed within two years from the date of the passage thereof.

INDEX.



INDEX.

A.	PAGE.
ACTING MAYOR—	
When to act—Power of.....	87
When to be appointed.....	394
ADAMS STREET—	
Reservation of, from railway use.....	207
Covenant of companies thereto.....	208
Vacation of part of (west).....	358
Terminus of La Salle & Chi. R. R. Co.	632
ADVERTISEMENT—	
Not to be posted, where.....	80
ALARM—	
Giving false, penal.....	80
Giving false, by telegraph, penal....	102
ALDERMAN—	
Order removal of incumbrances from streets.....	132
Two in each ward—Officer of municipality.....	385, 387
Vacancy in office, how created and filled.....	386
Qualifications and term of.....	387
Not competent as surety upon bond.	391
Fire wardens and conservators of the peace.....	394
Exempted from jury duty, etc...394,	517
With mayor constitute council.....	401
Presiding, elected when.....	401
Receive no compensation.....402,	438
Two, call special meeting of council	402
Two may cause publication of report	402
Waive engrossment of ordinance, how	402
May act as com'r. to assess damages, etc., of local improvement.....	462
May inspect books, etc., of collector	495
One only a director of library.....	558
Records of house of correction open to.....	568
ALLANDALE AND COAL MINING AND MANF'G. CO.—	
Authority to lay track on Baxter st..	315
AMUSEMENTS, see <i>Shows</i> .	
ANIMAL POWER—	
To be used by Chicago City Ry. Co.....	189, 196
N. Chi. Ry. Co. to use only.....	198
C. W. Div. Ry. Co. to use only...189,	217

ANIMALS—	PAGE.
Rate of speed of, over bridges.....	6
Droves, on bridges limited.....	6
Penalty for stopping, on bridges.....	7
Heads, shanks and feet of, not to be brought into market.....	78
Exposing stud, misdemeanor.....	75
Cruelty to, a misdemeanor.....	76
To be hitched when standing.....	79
Limit of number of certain, on premises.....	82
Excluded from parks, etc.....	88
Rate of speed of, in parks.....	89
Not allowed on foot walks of parks..	89
Not to stand on drives of parks.....	89
Not to be driven into waters of parks	90
At large, impounded.....	106
Penalty for, at large in pound limits	106
Pound keeper to take up, at large...	106
Who may take up, at large.....	107
Fee paid to impounder of.....	107
Fee chargeable on animal impounded	107
Proceeding against impounded.....	107
And against unknown owner of.....	107
Monthly report of impounded.....	109
Surplus on sale of impounded, to owner.....	109
Wrongful impounding of, penal.....	109
Fastening to trees in streets, penal..	135
Speed of, in street tunnels.....	136
Loose, not to be driven in tunnels...	136
Not driven into lake near water works.....	146
Maimed and diseased, not to be driven into city.....	181
Flesh of such, not to be sold.....	181
Carriage of dead, regulated.....	182
Slaughtering of, regulated.....	184
Decayed flesh of, not to be rendered	186
Council prevent abuse of.....	405
Provide for hitching.....	405
Prohibit, running at large.....	405
Slaughtering of, council control.....	413
Removal of dead from city, etc..547,	548
Rendering dead, prohibited where...	547
ANNEXATION OF TERRITORY—	
Proceeding by owners to annex property.....	617, 618

ANNEXATION OF TERRITORY, *Cont'd*—

- Proceeding by incorporated town to become annexed..... 617
- Proceeding by city to annex territory 617
- Notice of proceeding..... 617
- Objections to, how made..... 617
- Finding, judgment, etc..... 618
- Proceeding to disconnect land..... 618
- Record of proceedings..... 618
- Proceeding by school districts, etc... 618
- Courts take cognizance of changes by 618

APPEAL—

- From confirmation by council of assessment roll..... 445
- Shall not delay local improvement, when..... 461, 465
- From special assessment, how allowed 461
- Effect of, on warrant, for special assessment..... 483
- From judgment tax 1872, only to supreme court, conditions..... 490
- From judgment for tax, how allowed 497
- From judgment of board of police... 503
- From police court..... 512
- City not give bond on, taken..... 573

APPOINTMENTS, see *Office and Officers.*APPRAISERS, see *Assessor.***LINCOLN PARK—**

- Appointment of..... 597
- Quorum of, constituted..... 597
- Duties of..... 597
- May agree as to values, etc..... 597
- Oath of..... 597
- Power and compensation of..... 599

SCHOOL LANDS—

- Of school or city lands to hold public meetings..... 118
- Appraise at true cash value..... 118
- Quorum, how constituted..... 118
- To make detailed report..... 119
- Who disqualified from serving as.... 119

APPRENTICE—

- Council may prohibit sale of liquor to 403
- Boys in reform school as..... 564

APPROPRIATION—

- Part of, ordinance may be vetoed.... 394
- When to be made..... 422
- For local improvement, when..... 462
- Ord. to fix tax comr's salary annually..... 476
- Ord. making, may be changed, when 485
- Council may levy tax in event of casualty after, made, when..... 492
- Council make special, for evening schools 554
- Of park moneys, only to parks, etc..... 585

AQUEDUCTS—

- City may construct, where..... 524
- May extend, into lake..... 525

ARCHER ROAD (AVENUE)—

- Horse railway track in, allowed..... 188
- Joliet & Chi. R. R. allowed to enter city on..... 253
- Joliet & Chi. R. R. to macadamize... 254
- Compromise with C. A. & St. L. R. R. Co. as to paving..... 257
- Viaduct over, to be built by Chi. & Can. South. etc. R. R..... 262
- Lake Shore & Mich. South. R. R. lay two tracks across..... 262
- Flagman at crossing of..... 262
- Bell & Turner may operate track across 316

AREA WALL—

- Council may construct, etc..... 440
- Cost included in assessment for street improvements..... 448

ARREST—

- Without warrant for carrying concealed weapon..... 12
- Without warrant, suspicious persons in certain houses..... 78
- Who may, for fast driving..... 78
- Power of police to..... 100
- Police, for misdemeanor or crime and enter premises..... 100
- Rescue from, penal..... 101
- Of porters or runners violating ordinance..... 105

ASHES—

- Depositories of, how built..... 21
- Where to be deposited..... 22
- When, may be placed in street..... 135
- Council regulate deposit of, etc..... 516
- Board of police regulate deposit of.. 520

ASSEMBLIES—

- Of persons on bridges forbidden..... 7

ASSESSMENT, see *Taxes and Assessments—Tax—Collection of Taxes, etc.*

- All property in city to be at true value..... 477, 482, 493
- Manner of annual..... 478
- Refusal to list for, penalty..... 478
- Of land less than a foot wide..... 482
- Informality in, not to vitiate tax..... 483
- Tax of 1872 not invalidated by informality in..... 489
- Personal property valued as of May 1 493
- State revenue laws apply to, when... 493
- Roll filed in city clerk's office..... 493
- How revised..... 493
- Proceeding to collect special..... 496
- Board of public works assess water rates..... 526, 527
- Water, omitted one year included next year..... 527
- Unpaid water assessments, reported to council..... 529
- For private drains..... 534
- Destroyed, roll may be replaced..... 622

ASSESSMENT, Continued.**PARK—**

For benefits, etc., of S. park, how made and confirmed.....	583
South park bonds receivable in payment of.....	585
West Chicago park commissioners may make certain.....	588
To extend Whiskey point road as Grand ave.....	590
Separate, for west parks when.....	591
New, for west parks when.....	595
For north park drive.....	598
For annual expenses, etc., Lincoln park, how made.....	602
By corporate authorities for benefits by parks.....	605
Procedure to judgment on.....	606
Special, for purchase of lands for parks, to be made	609
Judgment on and collection of the same	609
Special for boulevards, etc.....	612
For sewers from parks, etc., how made and collected.....	613
Park, how collected.....	614
Commissioners notice of special.....	623

SPECIAL—

Mayor not to act in making.....	393
Funds received on, to be kept as special funds.....	419
Council may borrow money to pay... ..	423
Com'rs, B'd of pub. works make.....	433
When half paid in, advertise for bids	433
Contractors accepting pay from, no recourse otherwise.....	434
Certain improvements to be made by	441
Proceeding to improve streets, when by	441
Commissioners board of public works to be sworn before making.....	442
Roll of, what to show.....	443
Roll, how returned and proceedings on	444
Objections when filed.....	445
Council revise and correct.....	445
When confirmed, conclusive of what	445
Appeal from confirmation.....	445
Against railroads, how made.....	448
Extended to gas and water service pipe.....	448
How returned in case of street and river improvement.....	450
Improvements made before, when... ..	450
Authorized for cost of removal of nuisance	453
Owner of property liable for.....	453
Guardians for minors in cases of....	453
Certiorari allowed—Conditions.....	453
Second, when first insufficient.....	454
Surplus received on, refunded	454

ASSESSMENT, Continued.**SPECIAL—**

New, when one fails.	454
Commissioner of board of public works interested in, not to act....	454
When not valid, improvement from general fund.....	455
Certain repairs and constructions not by	455
When ordinance prescribes improvement by, then special assessment to be made.....	462
Proceeding to make.....	462
Court may change.....	465
Clerk issue warrant for.....	465
Collector's notice of receipt of.....	466
General revenue law apply to collection.....	467
New in place of, annulled.....	468
Second and others when.....	468
On failure to collect.....	468
Collections on, only liable for contracts under.....	468
Lien on reality until paid.....	469
Suit by collector to collect.....	469
Informality of roll not to vitiate tax	483
Warrants for, to be delivered to collector.....	483

SPECIAL FOR LOCAL PURPOSES—

Ordinance adopting article IX, Act April 10, 1872.....	458
Power to make local improvements... ..	459
What ordinance ordering shall contain.....	459
Proceeding to compensate for damages prescribed.....	459
Prayer, to ascertain just compensation.....	459
Petition, what to contain.....	459
Summons and service.....	460
Return of summons.....	460
Jury ascertain interests in realty....	460
Jury view premises when.....	460
Proceeding upon verdict rendered... ..	460
Power to proceed where title alienated since proceeding commenced... ..	461
Assessment not delayed by doubt as to ownership.....	461
Guardian ad lit. for persons under disqualification	461
Judgment final except when.....	461
When possession may be taken.....	461
Cost of improvement, when in tax levy	462
Cost of, when from special tax.....	462
Cost of when partly by special assessment	462
Ordinances to specify manner of making improvement.....	462
Commissioners to estimate cost.....	462
Council order petition for.....	462

ASSESSMENT, Continued.

SPECIAL FOR LOCAL PURPOSES—
Form of petition to county court..... 462
Court appoint commissioners—Oath 463
Duty of commissioners..... 463
They to make maps, etc..... 468, 623
And assessment roll..... 463
Give notice of assessment, etc.. 463, 623
Affidavit of notice published, etc.... 464
When court continue cause..... 464
Who may file objections..... 464
Evidence—Finding..... 465
Precedence of cause..... 465
Court may modify or change assess-
ment..... 465
Effect of judgment..... 465
What warrant to contain..... 465
Collector to give notice..... 466
Duty of collector..... 466
Application for judgment..... 466
How to make redemption and sell... 467
Collector liable if sale made when
tax paid..... 467
Money received paid over to treas-
urer..... 467
General revenue laws applicable to
proceeding..... 467
City may purchase at tax sale..... 468
New assessment made, when..... 468
Second assessment made, when..... 468
Cost of public improvements a charge
for five years..... 468
Contract for work by special assess-
ment paid only by assessment..... 468
Contracts to lowest responsible bid-
der..... 469
Special assessments a lien..... 469
Collector may sue on assessments.... 469
May petition court for assessment to
pay damages, etc..... 469
**ASSESSMENT OF PROPERTY AND
THE LEVY AND COLLECTION OF
TAXES—**
Tax how to be levied..... 494
Clerk to compute and attach warrant 494
Council fix date of return by collec-
tor..... 495
Duties of the collector as to..... 495
Collector may appoint deputies..... 495
Tax a lien from May 1..... 495
Collector to return delinquent list to
county treasurer..... 496
County treasurer to proceed to
judgment..... 496
ASSESSOR—
Officer of city..... 385
Appointed by council, when..... 390
Qualification of..... 476
Member of board of assessors..... 477
Oath, bond and power..... 477
May administer certain oaths..... 477

ASSESSOR, Continued—

Assistants may be appointed..... 477
Duty as to valuation of property..... 477
Assess property at true value....477, 493
Blanks furnished by commissioner
of taxes 477
Call on parties and receive list of
property..... 478
Proceeding, on refusal to list..... 478
With tax commissioner, revise assess-
ments 479
Have powers of town assessors..... 480
Add ten per cent. on neglect to list.. 481
Assess arrearages on newly discov-
ered property..... 482
How assess land less than foot wide 482
Penalty, neglect of duty..... 485
Elected by people, when..... 492
Assistants, how appointed..... 492
Council prescribe duties..... 492
State revenue law to apply to..... 493
File roll in clerk's office..... 493
Office abolished, when..... 498
Mayor appoint, when..... 623
PARK—
Appointment, duties and oath of..583, 590
West park, make separate assess-
ments, how and when..... 591
Proceeding by west park, when pro-
ceeding other than by condemna-
tion..... 594
TOWN—
A corporate authority.....610, 611, 613
ATTACHMENT—
Proceeding by, against non-resident
for damages, when..... 452
Cemetery lots exempt from..... 573
ATTEMPT TO ESCAPE—
From house of correction, penal..... 58
ATLANTIC & PACIFIC TEL. CO.—
May erect poles in streets named.... 553
Poles to be in positions stated..... 553
AUCTION—
Sales at, to be by auctioneer..... 3
Sales under legal process exempt.... 3
Penalty for selling at, without license 4
Sale of jewelry regulated..... 4
Purchasers of plate, etc, at, rights of 4
Dues to be paid to city collector..... 72
Sale by, on sidewalks prohibited..... 126
AUCTIONEERS—
Only, to make sale at auction..... 3
Co-partner or clerk may act for..... 3
To be licensed..... 3
Apply to mayor for license..... 4
License transferable on conditions... 4
Duty of, selling watches, plate, etc.. 4
When license revocable..... 4
Who may sell under his license..... 5
Not to sell, etc. on streets..... 5
Council tax and license..... 403

- AUCTIONEERS, Continued—**
 Council prevent collection of people
 on streets, etc., by..... 405
- AULTMAN (C.) & CO. AND OTHERS—**
 Operate track on Beach st..... 320
- AWNINGS—**
 How to be covered and elevated..... 125
- AYES AND NOES, see Yeas and Nays.**
- B.**
- BADGES—**
 Of harbor master..... 41
 Of porter or runner..... 104
 Of drivers of vehicles..... 138
- BAGATELLE—**
 Use of, prohibited..... 77
 Penalty, visiting place where, kept.. 78
- BAIL—**
 No policeman to become or furnish.. 508
 Special, on arrest for violating ordi-
 nance 508
- BAILIFFS—**
 One at each police court..... 98
 Selected and removed by justice.... 98
 Bond of..... 99
- BALL ALLEYS—**
 Penalties for keeping, to be paid to
 collector 72
 Not to be kept for gain except, when 77
 Owner of house in which kept, liable 77
 License to keep, issued by mayor.... 77
 Council license..... 403
- BALL PLAYING—**
 Council prevent, in streets..... 405
- BANDS—**
 Conduct of, on bridges..... 7
 Prohibited in parks..... 90
- BANKER—**
 How property assessed after April 1.. 481
- BARN—**
 Council abate nuisance in..... 404
 Regulate use of light in..... 405
 Cleanse, drain, etc..... 408
- BATES STREET—**
 Allandale and Coal Mining Co. lay
 track in..... 315
 Thomas, Wilcox & Co. lay track in... 327
- BATHING—**
 Where prohibited..... 81
 In waters of parks forbidden..... 90
 Council to regulate..... 405
- BAY WINDOW, see Window.**
- BEACH STREET—**
 P. Ft. W. & Chi. R. R. lay track in 303
 Gould & Bros., etc., Aultman & Co.
 lay track in..... 320
 Right of La Salle & Chi. R. R. Co. in 632
- BEGGARS—**
 Council punish..... 405
- BEGGING—**
 On thoroughfares a misdemeanor.... 77
- BELL—**
 Locomotive engines to ring..... 111
 To be maintained at crossings of
 horse railways..... 112
- BELL, ALEXANDER—**
 And James Turner operate track
 across Archer road..... 316
- BELL MEN—**
 City officers..... 385
- BELL TOWER—**
 To be maintained by R. R. Co's at
 crossing of horse R'y Co's..... 112
- BENCH-MARK—**
 Of city established..... 27
- BENEVOLENT ASSOCIATION—**
 Chicago pay per-centage of insurance
 rates to..... 157
 Order directing payment..... 157
- BEQUESTS—**
 To library how to vest..... 162, 559
- BIDS—**
 Received for contracts filed..... 10
 How invited and opened..... 433
 Proceeding when, excessive..... 435
- BILLIARD HALL—**
 Council regulate..... 403
- BILLIARD TABLES—**
 Penalties for keeping to be paid to
 collector 72
 Effect of default on license register of 72
 Not to be kept for gain except when 77
 Owners of building in which kept
 liable..... 77
 License issued by mayor..... 77
- BILLINGS, A. M.—**
 Proposition for gas works at house
 of correction..... 177
- BILL POSTING—**
 Prohibited where..... 80, 85, 90
- BIRDS—**
 Killing of, prohibited..... 80
- BIRTHS—**
 Council provide for registration..... 406
 To be registered..... 179
- BLOOD—**
 Removal of from slaughter houses, etc 185
- BLOOMINGDALE ROAD—**
 Chi. & Pac. R. R. Co. etc., track in.. 277
- BLUE ISLAND AVENUE—**
 Chi. C. R. W. CO., lay track in..... 195
- BOARD OF ASSESSORS, see Assessors—**
 Members, officers of city..... 385
 How constituted—Power of..... 477
 Perform all duties in relation to as-
 sessing..... 479
 Equalize assessments..... 479
- BOARD OF CANVASSERS—**
 Of elections how constituted..... 392
 Certify result of canvass to council.. 392

BOARD OF CLAIMS COMMISSIONERS—

Abolished..... 574

BOARD OF DIRECTORS OF LIBRARY—

How appointed, organized and powers..... 558

Appoint librarian and assistants..... 559

Annual report of..... 559

Special trustees as to donations..... 559

BOARD OF EDUCATION—

Control schools.....117, 554, 555

Prescribe rules for instruction in.... 117

Funds donated disbursed by..... 117

Order of, on school tax fund needed before payment from..... 118

Members, officers of city..... 385

Let printing by contract..... 399

No salary or interest in purchase, etc.....400, 554, 557

Carry on schools when deficiency, when..... 472

Appoint school agent..... 552

Admit children of other towns to schools, when..... 554

May confer collegiate degrees..... 554

Control evening schools..... 554

Erect and purchase, etc., school houses and lands..... 555

Hire rooms, etc. for board and schools..... 555

Employ and fix compensation of teachers..... 555

Prescribe books and studies..... 555

Lay off, etc. school districts..... 555

Pass ordinances to manage schools... 555

Exercise powers only at regular meeting..... 556

Limit of expenditures by..... 556

How constituted and appointed..... 556

Not levy tax..... 556

BOARD OF EQUALIZATION—(ACT 1873)—

How constituted..... 493

BOARD OF GUARDIANS OF REFORM SCHOOL—

Officers of city..... 385

Appointed by mayor—How constituted, etc.....389, 560

No salary or interest in purchase, etc 400

Duties and report of..... 561

Discharge, apprentice and furlough.. 564

Establish school for girls, when..... 565

Annual estimate of expenses..... 565

BOARD OF HEALTH, see Health Department—

Take measures to prevent spread of disease.....48, 544, 545

Health officer to carry out orders of 48

Establish quarantine, when..... 51

Make rules to govern quarantine.... 53

Appoint physicians, etc., for quarantine..... 54

BOARD OF HEALTH, Continued—

Report expenditures of quarantine fund 54

Inspect butchers' stalls, etc..... 74

Effect of notice of nuisance in keeping cattle, etc..... 82

To abate nuisances.....85, 545

Employ and regulate scavengers..114, 411

Give notice when scavengers will call 114

Direct burial of contents of privy vaults..... 115

Prescribe duties for city physicians 398

How constituted..... 542

Powers of—Term—Oath—Bond..... 543

Annual report of..... 543

Election and duty of pres't and sec'y 543

Sanitary superintendent, appointment and salary..... 544

Police and sanitary squad..... 544

Annual estimate and tax to raise.... 544

Council to borrow money for, when 544

Penalty, violation of by-laws, etc., of 545

Laws continued in force..... 545

Mortality reports..... 545

Physicians report of infectious disease..... 545

Visitation of vessels, etc..... 545

Removal of infected persons and goods..... 546

Vessels to quarantine, when..... 546

Council impose duties—Power of entry 546

Removal of dead animals..... 547

Rendering, etc., prohibited, when... 547

Rendering apparatus prescribed.... 547

Drains and privies regulated..... 547

Duty and salary of health officer.... 547

Penalties stated and how recovered.. 548

Duty of states attorney to prosecute 548

Proceeding for rendering wrongfully 548

Proceedings in case of nuisance..... 549

BOARD OF INSPECTORS OF HOUSE OF CORRECTION—

Assess price of labor of convicts cleaning schools..... 118

How constituted and appointed..... 568

Establish rules and appoint employes 568

No compensation to..... 568

Duties of..... 568

Oath and bond of..... 571

BOARD OF POLICE, see also Police Department.

Enforce fire ordinances..... 26

Regulate retention and shipment of gunpowder, etc 40

Remove vessels carrying gunpowder 40

Detail police to carry out nuisance ordinance..... 85

Inspect pawn-brokers register and goods..... 92

Make rules to govern police..... 100

BOARD OF POLICE, Continued—

Preserve peace.....	100
Qualify mayor's police.....	102
Make keys for telegraph boxes.....	102
Detail police for pound keepers.....	110
Remove awnings wrongfully constructed.....	125
Order removal of incumbrances from streets.....	132
Direct conduct when press of teams	134
Designate stand for omnibus.....	143
Officers of municipality.....	385
How constituted and qualification of	387
Mayor ex-officio a member.....	393
Mayor no longer a member of.....	387
Term and election.....	388
Supervisors fill vacancy in.....	389
Com'r removable when and how.....	389
Let printing by contract.....	399
May be required to detail police at pounds.....	411
Control fire dep't.....	517
Appoint fire marshal and fire police	518
How promulgate orders to fire dep't	518
Make rules for fire dep't.....	518
Impose penalties on firemen, etc....	518
Furnish equipment, etc., to fire police	518
Annual estimate, expense fire dep't..	518
May require marshal, etc., to act as fire wardens.....	518
Cause examination as to cause of fire.....	518, 521
Prescribe duties for fire marshal....	519
Appoint and fix pay of clerks in fire department.....	519
Procure fire apparatus.....	520
Record proceedings as to fire dep't...	520
Regulate buildings, chimneys, etc...	520
Power of, as to unsafe buildings, etc	520
May cause repair of fire apparatus in city shops when.....	520
Fire commissioner, appointment of..	521
Appoint police for sanitary squad...	544
Powers of as B. of health—The same transferred.....	545
Appoint health officer.....	547

BOARD OF PUBLIC WORKS—

Maintain vessel signals at bridges....	8
Grant permits for building.....	18
Procedure for repair, etc., wooden buildings.....	20
Proceeding of, when wooden building a nuisance.....	21
Enforce fire ordinances.....	26
Enforce repair of streets, etc., by Ry. Co's.....	56
Maintain test gas meters, where.....	63
Provide office for insp., gas meters...	64
Supervise placing of postal boxes on lamp-posts	71
Superintend parks, etc.....	88, 90

BOARD OF PUBLIC WORKS, Continued—

Permit of, needed to authorize selling in parks.....	89
Also for fire apparatus to enter parks	90
Permit cutting grass of parks.....	91
Consent needed to interference with police telegraph.....	102
Establish pounds.....	106
Notify gas companies of laying pipes etc.....	120
Permit of, needed to excavate for sewer.....	120
Also for connections with sewers etc.	120
Supervise connections with sewers etc.....	121
Right of entry where house drains etc. are.....	121
Superintend construction of side walks.....	123
Give grades of sidewalks, when.....	123
Remove awnings wrongfully constructed.....	125
Grant and rescind permits to occupy gutter space.....	126
Remove obstruction from side walk.....	127, 134
Designate lot and house numbers....	131
Re-number streets.....	131
Erect street signs.....	132
Permit occupancy of streets by building material.....	132, 436
Sell articles incumbering streets.....	133
Grant permit to remove buildings.....	133, 432, 433
Direct proceedings in case of press of teams.....	134
Charge compensation for permits....	134
Superintend building or excavations	134
Permit tearing up of pavements, etc	135
Remove trees when out of line.....	135
Cause trees obstructing lamps to be trimmed	136
Attach water meters, when.....	148
Invite bids for State street bridge...	159
Construct bridge on 22d street.....	160
Set apart room for library.....	162
Advertise and act on plans for city hall.....	164, 165
Superintend laying of gas mains, etc	175
Contract for gas at house of correction.....	177
Direct improvement of harbor.....	177
Superintend laying of temp'y track.....	206, 213
Repair streets and charge R'y Co....	215
Act upon plans for house of correction.....	235
Dredge channel to H. of correction	237
Advertise for contracts, build shops, etc., at house of correction.....	238
Mark out lake shore drive.....	240

BOARD OF PUBLIC WORKS, Continued—

To approve Lake View avenue.....	248
Build house for life boat.....	245
Enforce improvement of Grove street	255
Superintend work of C. A. & S. L. R.	
R. Co., crossing Archer road etc....	255
Superintend bridges and laying the	
tracks of Chicago & Canada south.	
etc., R. R.....	258
Supervise track of Lake Shore & N.	
Ind. R. R.....	292
Designate where Northern R. R.	
Co., keep flagmen.....	294
Power as to improvements of streets	
by Chi. & Gt. Eastern R. W. Co....	297
Plan of cutting down canal etc., ap-	
proved.....	334
Authority to contract with canal	
trustees.....	334
Also for use of hydraulic works.....	334
Contract for deepening canal.....	336
Remove R. R. bridge over Healy	
slough—When.....	338
Agree as to widening river at Polk st	338
Widen river at Adams st.....	338
Issue 1000 river imp't bonds.....	339
Contract for police telegraph.....	354
Construct lake tunnel and issue bonds	356
Construct La Salle st. tunnel.....	357
Cause viaduct built at Halsted st....	363
Viaduct over C. B. & Q. R. R., track	
at Canal st.....	364
Viaduct at N. Clark st. and N. Water	364
Compel Chi. & Pac. R. R. Co. erect	
viaduct over North Avenue.....	365
Erect new engine for water works...	366
Purchase land for extension of water	
works.....	367, 368
Extend water works.....	368
Officers of municipality.....	385
How constituted.....	385, 387, 429
Mayor ex-officio a member.....	393
Mayor no longer a member.....	387
Qualifications—Term etc. 387, 388,	438
Mayor fill vacancy in.....	388
Com'r removable, when and how.....	389
Appoint etc. harbor master and	
bridge tenders.....	389
Let printing by contract.....	399
Commissioners pay fees received into	
treasury.....	400
Salary of commissioners, bond,	
etc.	400, 430, 431, 457, 540
Ordinances from, not engrossed.....	402
Superintend city cemeteries.....	409
By authority of council, let cleaning	
and repair of streets.....	411
President and treasurer elected.....	430
City engineer and secretary appointed	430
Duties of engineer.....	430
License land surveyors.....	430

BOARD OF PUBLIC WORKS, Continued—

City surveyors—Powers of.....	431
Approve subdivisions, etc.....	431
Employ assistants, etc.....	431
Quorum of board—Annual report...	432
Have charge of streets, buildings, etc	432
Permits to move houses, lay pipes...	432
Permits to drain into river or canal	433
Make special assessments.....	434
Proceeding by, on public works.....	434
Contracts let to lowest responsible	
bidder.....	434
Make reservation in contracts.....	434
Proceeding on suspension of work...	434
How purchase materials.....	435
When may let contract without pub-	
lication.....	435
When employ workmen.....	435
When river and harbor work without	
contract.....	435
Take bond on permit to occupy	
street.....	436
Proceedings, recover damages of	
non-residents.....	436
In contracts, provide for lights, etc.,	
at excavations, etc.....	436
Take bond of indemnity from con-	
tractors.....	436
Make contracts in name of city.....	437
Com'rs not, interested in contracts..	437
Have charge water and sewerage....	437
Complete old water, etc., contracts..	437
Report estimates.....	438, 473
Warrants need not be countersigned	438
Member not receive interest on city	
funds.....	438
Keep books of account.....	439
Receive application or act upon for	
street, etc., improvements.....	441
Proceedings on recommending im-	
provement.....	441
Assess damages and benefits by im-	
provement.....	442
Take oath as commissioners to make	
special assessments, etc.....	442, 450
May publish more than one notice in	
one advertisement.....	442
Make appraisal of damages and ben-	
fits.....	443
What their assessment roll must	
show.....	443
Offset prior donations or land.....	443
Value buildings on property con-	
demned.....	443
Make award to each interest in land	444
How to assess damages.....	444
Return of assessment roll and pro-	
cedure.....	444
Pay damages awarded on condemna-	
tion, when.....	446
When to take possession.....	446

BOARD OF PUBLIC WORKS, Continued—

Record condemnation proceedings....	447
Make assessment for damages by river improvement.....	447
How to assess railroad companies....	448
Assess for gas and water service pipe.....	448
Proceeding, to improve streets, etc...	448
May cause improvement before assessment, when.....	450
Proceeding on raising sidewalks, etc	451
Contract for raising, etc., sidewalks	452
Apply for guardian, for infants.....	453
Make second assessment when first insufficient.....	454
Com'r not to act when interested....	454
May recommend improvement of river by tax.....	454
Superintend bridges built by individuals	455
Assess widening Michigan ave. how	456
Term of office and salary.....	457
Control water works.....	523
Duty of, as to water supply.....	523
May construct reservoirs, etc.....	523
Duty as to hydrants.....	523
May purchase property, when.....	523
And construct buildings, when.....	524
Also make surveys, etc.....	524, 532
Enter upon land to make survey and agree as to damages.....	524, 533
Proceeding upon disagreement as to value of land taken for water w'ks	524
Issue bonds authorized to Chicago City Hydraulic Co.....	525
Borrow \$200,000 and issue bonds..	525
Keep register of issue of above.....	526
May issue to replace when they mature	526
Assess water rents on lots, when....	526
Keep record of water assessments....	527
Give notice of water assessments due	527
Issue warrants for water rates annually.....	527
Issue warrant for water and costs due prior to 1868.....	528
Report lots, water assessments unpaid on.....	529
Make regulations as to water supply	529
Use water to cleanse sewers.....	529
Annual report as to water works....	529
Have charge of sewerage.....	532
Consider means to perfect drainage..	532
Construct reservoirs and sewers.....	532
Also canal, etc., connecting river and lake and erect buildings.....	532
Hold and convey realty for sewerage	533
Report street grades.....	533
Connect sewers with lots by drains..	534
Locate, etc., private drains.....	534
May provide for drains from each lot	534

BOARD OF PUBLIC WORKS, Continued—

Regulate construction of privies, etc	534
Borrow \$500,000 and issue bonds for sewerage.....	535
Report of necessity of issue of bonds	535
Register sewerage bonds issued.....	536
Report sum to pay interest on sewerage bonds.....	536
Report sum necessary for sinking fund.....	536
Report sum necessary for salaries, sewers, etc.....	536
Direct investment for sinking fund..	537
Report condition, etc., sewers.....	537
Authorize loan for sewerage when....	537
Make rules governing sewers, etc...	538
Devise plan to cleanse river.....	539
May contract with trustees L. & M. canal to deepen canal, etc.....	539
Appointment of additional members on river improvement.....	540
How plan of river improvement adopted.....	540
Permit of, required to drain into river, etc.....	541
Extend Whiskey Point road as Grand avenue.....	590
BOARD OF SEWERAGE COM'RS—	
Rights of, reserved from horse R'y	190, 197
BOARD OF UNDERWRITERS—	
Recommend a fire com'r.....	521
Fix salary of fire com'r and pay it..	522
BOARD OF WATER COM'RS—	
Rights of, reserved from horse railway companies.....	190, 197, 200
BOAT HOUSE—	
To be built for life boat.....	245
BOND—	
When city files, improvement not to be delayed.....	401
Purchased by sinking fund to be canceled	492
Surplus revenue from water works invested in purchase of.....	529
Loan to pay interest on water loan, when.....	530
Interest on and sale of sewerage, limited.....	535
Comptroller pay interest on and principal of sewerage.....	536
Board P. W. report sum needed to pay out on sewerage.....	536
Sinking fund as a condition of sewerage bonds.....	538
Board of education and council issue school.....	555
City not give, on appeal.....	578
OFFICIAL—	
Sureties on Co. treasurers responsible for park moneys.....	584, 591
Limit of time for officers to file.....	391

BOND, Continued.**OFFICIAL—**

- Council may require from any officer 898
- Liability of collectors, for wrongful tax sale.....420, 421, 467, 498
- Liability of Com'rs board of public works on, for money lost..... 439
- (Of officers liable for neglect of duty under revenue laws..... 485

AUTHORIZED—

- State street bridge..... 159
- For house of correction 286, 287, 412, 424
- Cleansing river.....334, 386, 540
- Deepening canal..... 339
- Issues of school construction bonds.....342, 343, 344, 345, 346 472
- In lieu of sewerage, destroyed..... 347
- Water loan.....356, 357, 366, 367, 368
- Tunnel bonds....357, 358, 360, 362, 539
- City hall..... 410
- Pay floating debt..... 423
- General expenses, etc.,..... 423
- New, for maturing.....424, 526, 618
- None issued except under law..... 426
- Police expenses..... 426
- Dredging harbor..... 425
- School..... 427
- Water.....427, 581
- Sewerage.....427, 585
- River improvement..... 428
- Issue of, authorized to Chi. City Hydraulic Co. (Act Feb. 15, 1851).. 525
- Water works..... 525
- Issue of, authorized to sewerage commissioners. (Acts Feb. 14, 1855, and Feb. 14, 1859)..... 535
- Not exceeding \$2,000,000 S. park... 584
- How the same disposed of..... 586
- By city for Lincoln park, etc....598, 602
- By com'rs of parks, how issued, etc 603
- By towns for parks, how issued, paid, etc..... 610

CANAL REDEMPTION—

- Sale of \$250,000 ordered..... 340

CITY—

- When not negotiable..... 5
- Registration and indorsement of..... 424
- For Lincoln park how used..... 599

PARK—

- South, receivable for park assessments 585

REQUIRED—

- Council may require, on grant of license..... 404
- Auctioneers bond, conditions of..... 4
- Inspector of gas meters..... 65
- Additional inspectors 65
- Inspector of steam boilers..... 67
- Keepers of intelligence offices..... 68
- Junk dealers etc..... 69
- On transfer of licenses..... 72

BOND, Continued.**REQUIRED—**

- Pawnbrokers..... 91
- Inspector of mineral oils..... 96
- Police bailiff..... 99
- Porters and runners..... 103
- Pound keepers..... 109
- Night scavengers..... 114
- Liquor Dealers..... 128
- City weighers..... 149
- Of parties building R'ys, S. & W.190, 191
- Chi. City R'y Co. to enter into..... 197
- N Chicago R'y Co. to execute..... 200
- By Chi. C. R'y Co. repealed..... 201
- Chicago St. Charles & Mississippi air line R R..... 251
- P.F.W. & Chi. R.R.Co.as to side tracks 303
- Chi. St. P. & Fondulac as to joint use of track..... 305
- By P. & W. & Chi. R'y Co. to lot owners on Canal St..... 308
- P.F.W. & Chi. R.R. Co. to indemnify for damages on Lumber St..... 313
- Bell & Turner on laying track..... 416
- Charnley Bros. & Co. " 317
- Isaac R. Diller " 318
- Gould Bros. & Co. and C. Aultman & Co. " 320
- T. W. Harvey " 320
- Jas. H. Laughlin " 321
- E. Menden Co. " 322
- Munn & Scott " 323
- J. Newberry & Co. " 323
- W. F. Tucker & associates " 328
- J. Reid & Co. slaughtering..... 350
- Harbor master and bridge tenders.. 389
- Fish inspector and deputies..... 397
- Comptroller, treasurer, collector and school agent.....398, 415, 419, 420
- Horse R'y Co's running dummies.... 412
- From bank when deposits in are directed 419
- Com'rs board of public works..... 430
- Land surveyors..... 430
- With bid for contract for public work 433
- On occupancy of street for building.. 436
- Non-residents to release property from attachment..... 436
- Contractors, of indemnity..... 436
- Taken by board of public works in name of city..... 437
- On appeal from confirmation of assessment roll..... 445
- When doubt exists on condemnation as to owner entitled to proceeds.... 446
- Tax commissioner..... 476
- Assessors..... 477
- Assistant assessors..... 477
- Appellant, etc., from judgment for tax, 1872..... 490
- On appeal from judgment for tax.... 497

BOND, Continued.**REQUIRED—**

Commissioners board of police.....	500
B'd of police regulate as to officers of	510
Police court clerk.....	513
Fire commissioner.....	521
Members board of health.....	543
School agent.....	552
Superintendent of reform school.....	561
Inspectors and Sup't H. of correction	571
South park commissioners.....	581
Treasurer south park commissioners..	582
West Chicago park commissioners....	587
Treasurer south park commissioners..	588
Commissioners Lincoln park.....	600
Co. treasurer as general officer, etc...	620

BONES—

Collectors of, to cover contents of wagon.....	182
---	-----

BOULEVARDS, see Parks.**BOUNDARIES, see Annexation of Territory.**

Of fire limits.....	17
In which bathing is prohibited.....	81
Within which animals not to be at large.....	106
Within which railroads may not stand on streets.....	112
Within which distillery, etc., may not be.....	183
Of Chicago and its divisions.....	381
Of Chicago extended (west) 382, 587,	594
Of wards (20).....382, 587, 594	
Of jurisdiction over river as to nuis- ances.....	404
Of quarantine power of city.....405,	546
Of harbor.....	406
In which prohibit storing of gun- powder.....	411
In which council control slaughter- ing.....	413
Tax commissioner to prescribe, of assessment districts.....	476
He may recommend additional.....	477
Of police precincts assigned by po- lice board.....	505
In which to locate south park....582,	586
Of building line about W. parks, etc.....	588
In which to locate west parks.....	589
Boulevards from west parks.....	595
Lincoln park.....596, 601	
Drive as part of north park.....	598
Of parks, how changed.....	607
Of Cook county.....	627

BOYS, see Reform School.**BREACH OF PEACE—**

Penalty for.....	80
Prohibited in parks.....	89
By runners and porters prohibited...	105

BREAD—

Council may regulate sale.....	406
--------------------------------	-----

BREAKWATER—

To be erected by Ills. Cent. R. R. Co	286
B'd of public works may construct	524
Also construct drains through.....	532

BREWER—

Penalty, letting offal flow, etc.....	83
---------------------------------------	----

BREWRIES—

Council tax and license.....	408
Direct location, etc., of.....	404

BRIDEWELL, see House of Correction—

Style of changed.....	571
-----------------------	-----

BRIDGES—

Crossing prohibited when.....	6
Rate of speed in crossing stated.....	6
Droves of animals crossing, limited..	6
Stopping teams on, prohibited.....	7
Vehicles to cross on right on.....	7
Order in which vehicles to cross.....	7
Breaking lines in crossing prohibit- ed.....	7
Obstructing by crowding prohibited.	7
Band playing, etc., on, prohibited....	7
Closed for fire apparatus.....	7
Vessel signals to be at.....	8
Vessels not to approach, when.....	8
Kept open for passing vessels ten minutes.....	8
Passage over and under to alter- nate.....	8
Penalties for violation of chapter.....	8
Harbor master to enforce ordinances concerning.....	8
Passage under not to be obstructed..	48
Penalty for injuring.....48, 44, 455	
Speed of vessels passing.....48, 410	
Reasonable time allowed for open- ing.....	44
Egan avenue bridge.....	158
To become a public charge, when....	159
State street bridge—Appropriations.	159
Bids for, to be received.....	159
Bonds for, to issue.....	159
Contract for, authorized.....	159
Twenty-second street, authorized....	159
Chi. & Evanston R. R. Co. may build at La Salle street.....	283
Chicago, St. Chas. and Miss. air line R. R. Co. may erect south of Twelfth street.....	252
Chi. & Canada South., etc., R. R. Co. to cross fork of river by.....	258
C. & N. W. Railway Co., build at Kinzie street.....	269
Contract with C. & N. W. R. Co. as to, at State street.....	272
Chi. & Pacific R. R. Co. maintain over north branch.....	277
C. & R. I. R. R. Co. erect, south of Van Buren street.....	281
Ills. Cen. R. R. Co. cross south branch of river by.....	286

BRIDGES, Continued—

Plan of the I. C. R. R., approved.....	288
Col. Chi. & Ind. Cen'l R'y Co. build..	300
Fort Wayne & Chi. R. R. Co. may build south of Twelfth.....	302
Council may require railroad to con- struct	406
Council may build and control ex- clusively.....	407
Board of public works in charge of..	432
How apply for erection.....	441
Construction of. a charge on general fund.....	455
Built by individuals when.....	455
Council levy tax for.....	471, 492
West Chicago park commissioners construct certain.....	589

BRIDGE-TENDER—

Penalty for resisting.....	6
Close bridges for fire apparatus.....	7
Keep bridges open for vessels ten minutes.....	8
Duty to display vessel signals.....	8
Officer of city.....	385
Appointed and removed by board of public works.....	389

BROKER—

How property assessed after April 1	481
-------------------------------------	-----

BROTHEL—

Keeping or supporting, a misdemeanor	76
Right of police to enter, etc.....	78
Penalty, driver of vehicle driving to, when.....	144

BROWN STREET—

C., B. & Q. R. R. Co may lay tracks in	264
--	-----

BUILDING—

None in fire limits without permit....	18
Construction of, prescribed.....	18
Prohibited use of.....	20
Wooden, how repaired, etc.....	20
Damage to wooden, estimate.....	21
When wooden, a nuisance.....	21
How scaffold to be constructed.....	78
Connection of, with water works not to be made without permit.....,	97
Material not to obstruct streets.....	132
Buildings not moved on street with- out permit.....	133
Not to be placed on street.....	133
To be removed from street opened...	133
Bond to be taken for permit.....	435
Council regulate construction of.....	411
Regulate entrances of.....	411
Board Pub. W. regulate wooden, in fire limits.....	433
Proceeding when on land condemned	448
Council may require scuttles in roofs	517
B. of police may raze, when.....	520
Power of B. of police as to unsafe....	520
Inspected on suspicion of contagious disease in	546

BUILDING LINE—

W. Chicago park com's. establish one	568
Effect of such establishing.....	589

BURIAL OF THE DEAD, see *Interments*—

Intra-mural prohibited.....	9
-----------------------------	---

BURIAL LOTS, see *Cemetery*—

Authority to buy or exchange for lots in Milliman track.....	246
To purchase in Oakwood Cemetery..	247
Extinguish title to, in City Cemetery	247

BURNING-FLUID—

Notice on package sold.....	183
-----------------------------	-----

BURNSIDE STREET—

Pacific & Atlantic Tel. Co. poles in...	354
---	-----

BURR FUND—

Invest in city bonds.....	345, 346
---------------------------	----------

BUTCHER—

License required by.....	73
Penalty exposing unwholesome meat	73
To weigh meat before sale.....	74
Penalty for fraud in sale.....	74
Mayor issue license.....	74
When license to expire.....	74
Fee for license.....	74
To keep stall, etc., clean.....	74
Penalty refusing inspection of stall..	74
Penalty depositing filth in streets etc	74
“ “ brine etc.....	74
Close stalls etc. on Sunday.....	74
Defined.....	75
Penalty letting offal flow.....	83
To cover meat carried to customers..	182
Council regulate etc.....	404

BUTTER—

Tainted etc. not to be sold.....	181
----------------------------------	-----

C.**CAB—**

Fare not to be solicited for, by porter or runner.....	104
To be licensed.....	137
Lights at night.....	138
Driver, not owner, to be licensed and wear badge.....	138
Fee for license of cab.....	139
Driver to exhibit card to passenger..	140
Driver stand by, when.....	142
Driver not act as porter.....	143
Rate of fare posted in.....	144

CABMAN—

Penalty not aiding police.....	101
Penalty refusing obey police, when..	101
Must take passenger; overcharge by forbidden.....	144
Council regulate.....	403

CANAL, I. & M., see *River and Canal*—

Bridge over canal on Egan Avenue..	158
Chi. & Ca. South. etc. R. R. Co. to cross by bridge.....	258

- CANAL, I. & M., Continued—**
 Council regulate bathing in..... 405
 No drain into without, permit...433, 541
 City may contribute for deepening... 540
 City contract with trustees to deepen 541
 Navigation capacity of, not to be lessened..... 541
 Money expended in deepening, a lien..... 541
 State may relieve the lien..... 542
 State relieves the lien..... 577
- CANAL BOAT LANDING, see Landing.**
- CANAL PORT—**
 Vacation of part of river branch at.. 339
- CANAL REDEMPTION FUND—**
 How to be applied by city..... 577
- CANAL STREET—**
 Chicago City R'y Co. lay track in..... 195
 Right of Chi. C. R'y Co. in, released 205
 P., F. W. and other railroad company, tracks on.....304, 306
 Maintain flagman at crossing..... 309
 Viaduct over C., B. & Q. Railroad track on..... 364
- CARAVAN—**
 To be licensed..... 122
 Restrictions of license..... 122
- CARD—**
 Porter and runner to carry, etc..... 104
 Drivers of hacks, etc., exhibit..... 140
- CARMEN—**
 Council regulate, etc..... 403
- CARROLL STREET—**
 Chicago & Great Eastern R'y Co. lay tracks in..... 296
 Use of sidewalk between Union and Halsted by P., Cin. & St. L. R'y Co. 297
 Part of vacated..... 375
- CART—**
 To be licensed..... 137
 Sign to be painted on..... 137
 Driver, not owner, to be licensed..... 138
 Driver wear badge..... 138
 Fee for license for..... 139
 Driver stand by, when..... 142
 Driver not act as porter..... 143
 Tariff of charges established..... 144
- CARTERS—**
 Council regulate, etc..... 403
- CASS STREET—**
 Railway never to be laid in..... 229
- CATCH BASIN—**
 Altering, without permit, penal..... 121
- CATHARINE STREET—**
 Railway track in..... 216
- CATTLE—**
 Limit of to be kept in city limits..82, 184
 Not permitted in parks, etc..... 88
 At large, impounded..... 106
 Removing of dead, from city....547, 548
 Rendering dead prohibited where.... 547
- CATTLE YARD—**
 Penalty for offensive..... 84
- CELEBRATION—**
 Appropriation made for, how..... 410
 Special patrol appointed for..... 506
- CELLAR—**
 Penalty for offensive..... 84
 Council abate nuisances in..... 404
- CELLAR DOOR—**
 Leaving open, penalty for..... 79
 Limit of extension on sidewalk..... 124
- CEMETERIES IN CITY, see Burial lots, also Milliman track.**
 Interment in, prohibited.....9, 248
 Extinguish titles of lot owners in... 247
 Burials in, forbidden..... 248
 Council may purchase and regulate.. 409
 May vacate and extinguish titles in.. 410
 Lots exempt from attachment..... 573
 Removal of bodies from, for park.... 598
 Conditional authority to use a canal lot for..... 627
- CEMETERY FUND—**
 How created..... 409
- CERTIORARI—**
 When not allowed, in case of assess-ment..... 453
- CESS-POOL—**
 Altering without permit, penal..... 121
 Damage to, penal..... 121
 Board public works regulate drain-age, etc., of..... 534
- CHANCE GIFT DISTRIBUTION, see Gift Distribution.**
- CHARNLEY BROS. & CO.—**
 Lay track on Cologne st..... 317
- CHERRY AVENUE—**
 Chi. & Pacific R. R. Co. track in.... 277
- CHICAGO—**
 Incorporated..... 381
 Its limits and divisions..... 381
 Boundaries extended..... 382, 587, 593
 Its wards described..... 382
 May purchase at tax sales.....468, 625
 May receive property for Lincoln park 601
 Annexation or exclusion of territory 616
 County seat of Cook Co..... 627
- CHICAGO & EVANSTON R. R. CO—**
 Franchise of confirmed..... 221
 Incorporated..... 229
 Powers..... 229
 Capital stock..... 230
 Directors how appointed..... 230
 Proceeding to obtain right of way... 230
 Duration of franchise..... 230
 Ordinance allowing tracks on streets named..... 231
 To maintain office..... 232
 May build bridge at La Salle street.. 233
 Construction of ordinance..... 233
 Ordinance confirmed..... 234

CHICAGO AVENUE—

- North Chicago R'y Co. lay track in.. 198
 Railway track on West..... 216

CHICAGO CITY HYDRAULIC WORKS—

- Bonds authorized to may be issued... 525

CHICAGO CITY RAILWAY CO—

- Incorporated..... 191
 Conditional right to lay tracks..... 192
 Capital stock of..... 192
 Appointment and powers of directors 192
 Exercise right of eminent domain.... 192
 How to acquire right of way in town-
 ships..... 193
 Authority to lay tracks on certain
 streets..... 194
 When to complete..... 195
 Not to use steam power..... 196
 Speed and use of, regulated by coun-
 cil 196
 To lay tracks, how..... 196
 Rate of fare established..... 196
 Repair, etc., parts of streets—Liabili-
 ties..... 196
 Conditions of franchise..... 197, 204
 Former rights confirmed..... 197
 To enter into bond..... 197
 Time extended to build Clark street
 tracks 200
 Repeal of section of ord. as to re-
 pair of streets and giving bond.... 201
 Resolution of Co. postponing track
 on Clark street..... 201
 Chi. W. Div. R. W. Co. may acquire
 certain rights of..... 203
 Change of line of railway..... 204
 Extension of time to construct..... 204
 Release of rights in Canal, Harrison
 and Lake streets..... 205
 Temporary track on State street..... 206
 Board of public works superintend
 laying of..... 206
 To preserve certain streets from R'y
 uses..... 206
 Penalty for entering upon..... 207
 To indemnify city from liability..... 208
 Covenant releasing rights, etc..... 208
 Connection with N. Chi. R. W. Co..
 authorized 209
 Release of N. Desplaines st. from R'y
 uses..... 212
 Extension of tracks..... 218
 Franchise extended ninety-nine y's.. 220
 Use of steam dummy, north of Egan
 avenue, prohibited..... 223
 Extension of track on Clark st..... 223
 May run dummy to clear away snow 224
 Extension of time to construct track
 on Indiana avenue..... 225
 Double track allowed on Indiana ave. 226
 Extend track on Clark st. to center
 of river..... 227

CHICAGO ERRING WOMEN'S REFUGE—

- Certain fines collected to be paid to.. 163
 How proceeds to be drawn..... 163
 To make annual report..... 163
 Payments to, prohibited..... 164

CHICAGO GAS LIGHT & COKE CO—

- Notify B. of public works of laying
 pipes..... 120
 Incorporated—Act..... 172
 Object of the corporation; limitation
 of its powers..... 172
 Capital stock of; its exclusive rights.. 172
 Act increasing stock and removing
 limitations 173
 Order authorizing contract with..... 173

CHICAGO PLATE & BAR MILL CO.—

- Rights of E. Evans & Co. transferred to 318

CHICAGO PUBLIC LIBRARY, see *Library*.**CHICAGO RIVER, see *River*.****CHILDREN—**

- Council authorize safe keeping of
 mendicant..... 403
 Free instruction for all over 6 years 554
 Of adjoining towns, when admitted to
 city schools..... 554
 Reform school for certain..... 500
 Parents and guardians place, in re-
 form school, when..... 565

CHIMNEYS—

- How high carried up..... 19
 How to be constructed and altered.. 22
 Foundation for, how connected..... 23
 In lofts how constructed..... 23
 Construction of, for steam works.... 23
 Council regulate construction of... 411, 516
 Board of police regulate..... 520

CHURCH—

- Council regulate entrances, etc..... 411

CIRCUIT COURT OF COOK COUNTY—

- Jurisdiction of charges against mem-
 bers of B'd of police and Pub. W. 389
 Judge of approve bond, commissioner
 board of police..... 500
 Judge of, approve bond, South park
 commissioners..... 581, 587
 Also of treas'rs of park com'rs... 582, 588
 Appoint park assessors..... 583, 590
 Assessment roll for parks filed
 in..... 583, 591, 594
 Act upon park assessments 583, 591, 594
 Jurisdiction to remove park com-
 missioners..... 584, 592
 Appoint park appraisers..... 597
 Oath of park appraisers filed in..... 597
 Jurisdiction of, as to Lincoln park
 appraisals..... 598
 Jurisdiction as to Com'r Lincoln park 600
 Judge of, supervise selection of park
 bonds for sinking fund..... 604
 Jurisdiction of assessment of benefits
 by parks..... 605

CIRCUIT COURT OF COOK CO., *Cont'd.*

- Jurisdiction to change location of parks etc..... 607
- Jurisdiction to give judgm't on park assessments..... 609
- Jurisdiction as to annexation of territory..... 617

CIRCUS—

- To be licensed and restrictions of license..... 122

CISTERN—

- Council regulate..... 406

CITIZEN—

- At fires subject to orders, penalty... 25
- To aid police, refusal penal..... 101
- Falsely representing police, penal.... 101
- Penalty refusing to obey police at depots, etc..... 101
- Annoyance of, by porters, etc. prohibited..... 105
- Give certain concerts and exhibitions without license..... 122
- May prefer charges against police... 502
- Not disqualified as juror, witness, etc 573

CITY ATTORNEY—

- Semi-annual report..... 9
- Prosecute R'y Co's not repairing streets and tracks..... 56
- Receive police court clerk's weekly report..... 99
- Act on appointment of prosecuting attorney..... 99
- Officer of city..... 385
- Elected by people—Term of office... 386
- Devote whole time to business..... 395
- Duties of..... 396
- Pay fees received into treasury..... 400
- Right to be heard by board of public works on condemnation of realty 442
- Notice of appeal from assessment to be given to..... 445
- In his absence from police court, clerk prosecute..... 514
- Records house of correction open to 568

CITY AUDITOR—

- Council may appoint and remove 390, 428
- Officer of treasury department.... 414

CITY BONDS, see *Bonds.***CITY CLERK—**

- To attest auctioneer's license..... 3
- To register dogs..... 14
- To receive and deliver dog plates.... 14
- To publish notice to extend fire limits 18
- To receive fee on estimating damage to wooden building..... 21
- To register licenses to sell gun-powder..... 39
- To file bond, etc., inspector of steam boilers..... 67
- To countersign all licenses..... 72

CITY CLERK, *Continued.*—

- Effect of default on his license register..... 72
- To join in and register license for distilling, etc..... 83
- Record and file ordinances..... 86, 395
- Issue pawnbroker's license..... 91
- Register pawnbroker's license..... 92
- Receive report of school land appraisers to lay before council..... 119
- Register liquor licenses..... 128
- Register vehicle licenses..... 137
- Collect fee, drivers license..... 139
- Officer of the municipality..... 385
- Give notice of election..... 385
- Appointed by council, when..... 389
- Official bonds to be filed and recorded by, when..... 391, 398, 415, 419
- Receive returns of election and notify persons elected..... 391
- Act on board of canvassers..... 392
- Officers file oath of office with... 392, 438
- Present acts of council to mayor..... 394
- His duties and power..... 395
- Appoint deputies..... 395
- Salary fixed by council..... 395
- Sign and seal commission of officers 399
- Pay fees received into treasury..... 400
- Engross ordinances..... 402
- File report of deficiency to pay interest..... 425
- Assessment roll filed in office of 444, 498
- Sign warrant on assessment roll..... 445
- Certify ordinance in petition to court in case of local improvement ordered..... 459
- Countersign tax warrant..... 480
- Issue warrant for special assessment confirmed..... 465, 483
- Act on rebate of tax, when..... 485
- Meet to revise assessments..... 493
- Record final tax list and file..... 494
- Compute tax levied, attach warrant and deliver to collector..... 494
- May inspect books, etc. of collector 495
- Register names of firemen..... 517
- Attest warrant for collection of water rates..... 527
- Indorse sewerage bonds..... 535
- Countersign conveyances of school lands..... 551

CITY COLLECTOR—

- To receive license fee from auctioneers..... 3
- To receive license fee of vendors of gun-powder 41
- To receive fee for junk dealers, etc., license 69
- To receive all license fees, auction stores, ball alleys, etc..... 72
- Effect of default on license register of 72.

CITY COLLECTOR, Continued—

Receive fee for billiard, pin alley license, etc.....	77
Correct error of name on tax warrant.....	352
Officer of city.....	385
Elected by people—Term.....	386, 492
Execute bond to city.....	398, 420, 465, 467, 492
Pay fees received into treasury.....	400
Salary.....	400
Officer of treasury department.....	414
His duties.....	419
Comptroller supervise accounts, etc..	420
Weekly report of receipts to comptroller.....	420
Annual report to the council.....	420, 495
Prohibited to retain money, but to pay over.....	420, 421, 467, 495
Liable for wrongful sale of property for taxes.....	420, 467, 498
Appoint clerks, etc.....	421, 495
Council may prescribe other duties..	421
May publish two or more notices in one advertisement.....	442
Give notice of warrant on special assessment.....	466
Duty of, on receipt of warrant.....	466
Penalty not notifying party liable to to pay on.....	466
Report delinquent on special assessments.....	466
Proceeding to collect special assessments.....	469, 495
May sue for special assessments.....	469
Levy for taxes on school and land improvements.....	473
When to receive annual tax list.....	480
Delivery of tax warrant to, constitutes lien.....	482
Receive all special assessment warrants.....	483
Fee, making distress or sale for tax, etc.....	484, 495
Collect damage on special assessments.....	484
Successor or comptroller may complete duties of.....	484
Penalty, neglect of duty.....	485
To return roll of taxes, 1872.....	486
May return amount of tax of prior years.....	487
Receive tax warrant.....	494
Council direct when he return.....	495
Books, etc., of, may be inspected by tax-payer, etc.....	495
To report delinquents to county treasurer.....	496, 620
Collect to time of tax sale and report receipts.....	497
Office abolished, when.....	498
Mayor appoint, when.....	623

CITY CONTRACTS, see Contracts.**CITY ENGINEER—**

Officer of municipality.....	385
Board of public works appoint and remove.....	430
Duties and power of.....	430
Council fix salary of.....	430

CITY HALL—

Plans for, to be advertised for.....	164
Occupancy of public square, jointly with Cook county.....	164
Contract for joint occupancy authorized.....	165
Contract of city and county.....	166
Buy ground for and erect upon, bonds for.....	410
Council levy tax for.....	410, 471

CITY HOSPITAL, see also Hospital—

Health officer to supply.....	540
Grounds leased to county.....	331

CITY LANDS, see Appraisers, also School lands.**CITY OF CHICAGO, see Chicago.****CITY OFFICERS, see also Officers—**

Fees collectable by.....	16
--------------------------	----

CITY PHYSICIAN—

To advise with health officer.....	49
Duties of.....	51, 398
Officer of city.....	385
Appointed by council, when.....	389

CITY PRINTING, see Printing.**CITY SEAL, see Seal.****CITY TREASURER—**

To receive proceeds of pounds.....	15
To receive moneys collected under chapter "Harbor,".....	43
To receive fines.....	50
To receive fees received by inspector of gas daily.....	65
Pay fee for impounding animals.....	107
Receive and keep separate, library fund.....	161, 558
Pay over certain fines to benevolent institutions, and how.....	163
Pay to Washingtonian Home percentage of liquor license fee.....	365
Officer of city.....	385
Elected by people—Term of office...	386
Execute bond to city.....	398, 419
Pay fees received into treasury.....	400
Receive consideration for cemetery lots.....	409
Officer of treasury department.....	414
Pay out only on warrant.....	416, 417
Receive moneys and keep accounts of	418
Warrants on, how drawn.....	418
Keep separate account of each fund..	418
Give duplicate receipts.....	418
Monthly statement.....	418
Keep money of city separate.....	418
Deposit in bank, when.....	419

CITY TREASURER, Continued—

Make annual report to council.....	419
Keep special assessment receipts separate.....	419
Appoint clerks, etc.....	421
Council may prescribe other duties..	421
Not use city money—Penalty.....	421
Board of public works report and pay weekly, receipts of water and sewerage, to.....	437
Warrant on, for Bd. of Pub. works...	438
Receive from collector, special assessments.....	467
Hold street cleaning, etc. tax, special fund.....	472
Attend tax sale and receive money..	497
Receive collections from police court prosecutions.....	512
Pay witness fees, when.....	514
Clerk police court pay receipts to, daily.....	515
Keep water fund separate.....	530
Report monthly to board of public works receipts of sewerage tax....	537
Keep sewerage fund separate.....	538
Keep school tax fund separate..	553, 556
Records house of correction open to	568

CITY WEIGHERS, see Weighers.**LARK STREET—**

Chi. C. R'y Co. lay track in.....	195
N. Chi. R'y Co. lay track in.....	198
Extension of time to complete.....	200
Extension of track on, to Twenty-second street.....	223
Railway track in, to center of river.	227
Railway track never to be laid in....	230
Chi. & Ca. South. R. R. come in west of, to Polk st.....	258
Chi. & R. I. track, west of.....	280
Chi. & R. I. and Mich. South. and N. Ind. R. R. track in.....	282
F. W. & Chi. R. R. Co. track, west of	302
Pac. & Atl. Tel. Co. poles in.....	354
Viaduct at intersection of Water st..	364

CLERK, see also City Clerk.**COUNTY—**

Election returns filed with.....	392
One of board of canvassers.....	392
Certify judgment on special assessments	465
Receive report of tax sales.....	467, 498
File park assessments confirmed	583, 591
Extend park tax	583, 591, 599, 611, 612
File orders to issue bonds.....	610

ELECTION—

Appointed by inspectors.....	576
------------------------------	-----

POLICE COURT—

Give certificate to informer as to nuisances.....	85
In north division appointed by police court clerk.....	97

CLERK, Continued.**POLICE COURT—**

In west division appointed by council	98
Make weekly reports.....	99
Keep dockets.....	99
Officer of city.....	385
Elected by people—Term.....	386
Council provide for deputies.....	512
One elected, oath, bond and salary...	513
Administer oaths and appoint deputies, when.....	513
Paid by salary.....	513
Vacancy, how filled.....	513
Duties defined.....	514
When to prosecute.....	514
To report and pay over money daily	514
Penalty, not paying, etc.....	515
Council prescribe other duties.....	515

TOWN—

A corporate authority.....	611, 613
----------------------------	----------

CLINTON STREET—

Temporary railway track in.....	212
Track made permanent.....	213
Additional track in, allowed.....	216

CLYBOURNE AVENUE—

N. Chi. R'y Co. lay track in.....	198
-----------------------------------	-----

COACH—

To be licensed.....	137
Lights at night.....	138
Driver, not owner, to be licensed....	138
Drivers wear badge.....	138
License fee.....	139
Driver exhibit card to passenger....	140
Driver stand by, when.....	142
Driver not act as porter.....	143
Must take passenger; overcharge forbidden.....	144
Rates of fare posted in.....	144

COAL—

Rights of purchasers of.....	10
Vendors certificate of weight.....	10
A ton of, two thousand pounds.....	11
Penalty for deceit in sale of.....	11, 152
Dealer in, disqualified as city weigher	149
Council regulate sale.....	406

COLLECTION OF TAXES AND SPECIAL ASSESSMENTS—

Tax commissioner—How appointed —Bond.....	476
City to be divided into assessment districts.....	476
Record of taxable property to be kept.....	476
Qualification of assessors—Board of Assessors' oath and bond—Power to administer oath.....	477
Additional assessment districts, etc..	477
When property valued and completed	477
Manner of assessing.....	478
Duty of assessor on refusal to list, etc.....	478

COLLECTION OF TAXES AND
SPECIAL ASSESSMENTS, *Continued*—

Penalty for neglect to make sworn statement.....	481
Revision of assessment.....	479
Final tax list—Books how ruled.....	479
Tax how levied.....	479
Commissioner compute taxes—Warrant	479
When tax list, etc., delivered.....	480
When warrant delivered.....	480
Taking of false oath, perjury.....	480
Power of council to remedy defects..	480
Lien on personal property—Date of listing.....	481
Merchandise, how listed.....	481
Property of insurers, bankers, etc., how listed.....	481
Re-assessment for taxes not collected	481
Lien of taxes, real and personal—Collector may distrain for.....	482
Property condemned, etc., not taxed	482
Deeds, etc., presented to tax commissioner before record.....	482
All property to be taxed...477, 482,	493
When special assessment warrants issued.....	483
Warrants to collector.....	483
Collector to give notice and levy.....	483
Procedure and fees upon levy.....	484
Damage for delinquency.....	484
Who may act when collectorship vacant.....	484
Liability of assessor and collector for neglect.....	485
Commissioner of taxes employ help..	485
Power to rebate taxes on property destroyed.....	485
Or to change assessment against.....	485
Upon destruction of property, rebate when.....	485
(Act March 28, 1873).....	486
Taxation of 1872 legalized.....	486
Collector to return delinquent list....	486
Co. treasurer apply for judgment, etc	486
Return to treasurer how made, where warrant destroyed.....	487
Duty of county treasurer as to.....	487
Proceeding on application for judgment	487
Collectors of taxes, etc., to pay over	488
Personal action for taxes.....	488
Personal action cumulative.....	489
Pleadings, how amended.....	489
Appeal only to supreme court, etc., when	489
Excess of per-centage validated.....	490
Council may levy for certain purposes.....	492
Assessor and collector to be elected, etc.....	492

COLLECTION OF TAXES AND
SPECIAL ASSESSMENTS, *Continued*—

Mayor appoint assessors, when.....	623
Board of equalization to revise assessments	493
Proceeding of the board prescribed..	493
Final tax list to be filed.....	494
How sale made, when, variance in description of property.....	624
COLLECTOR, see <i>City Collector</i> .	
COLLISION—	
Reasonable time allowed to remove incumbrance, by.....	111
COLOGNE STREET—	
Charnley Bro's. & Co., lay track in	317
COMMISSIONERS.	
COOK COUNTY, see <i>B. of Police and Cook County</i> —	
Contract as to public square.....	166
May contract for confinement of convicts	239, 570
Contract for " "	239
Fill vacancy in board of police.....	389
May have county police, when.....	548
Act upon treasurer's bond.....	620
LINCOLN PARK—	
When may improve property taken for Ira Judd tract	249
Acquire lands for park.....	597
Apply to circuit court to appoint appraisers,.....	597
Remove bodies from cemetery lots, when.....	598
May demand bonds of the city.....	598
How to deal with bonds issued.....	599
Estimate, annual, for park.....	599, 602
Quorum of, how constituted.....	599
Appointed by legislature.....	599
Vacancies, how filled and created....	600
Power to govern parks.....	600
Disinterested—Oath and bond.....	600
Annual report of.....	600
Let work by contract, when.....	600
Lease or sell buildings.....	600
Individual member not create liability	600
May pass ordinances.....	600
Change certain streets, etc.....	601
May borrow money.....	602
PARK, see also <i>Corporate Authorities</i> .	
Declared corporate authorities...603,	611
Issue new bonds, etc.....	603
Acquire and purchase lands.....	608
How pay damages for land condemned	608
Record order for issue of bonds.....	610
Issue bonds ordered in towns.....	610
Lands purchased for parks vest in...	610
Appoint police force.....	610
Governor appoint.....	610
Annual reports.....610, 611, 612	

COMMISSIONERS, *Continued.*

PARK—

Levy park tax when.....	611
Proceeding by, to connect parks, etc..	611
No compensation after Dec. 31, 1872 [repealed].....	612
Proceeding by, to construct sewers..	613
May procure extension of time on contracts.....	615
Supervisors of park works	615
May connect parks by boulevards....	616
If interested in sales, etc., office vacated.....	616

SOUTH PARK, see *South Park Commis-*
sioners,

SPECIAL ASSESSMENTS—

How appointed etc.....	462
Oath, duties and proceeding.....	463, 623
Oath as to service of notice.....	464, 623
Court remove, etc.....	465

TAX—

Salary	400
Appointment of, etc.....	476
To divide city into districts.....	476, 477
Keep record of property and persons liable to taxation.....	476, 479
Appoint clerks etc.....	476, 485
Examine records in recorder's office	476
Member of board of assessors....	477, 479
Administer oaths.....	477
Proceeding by, to make assessment..	477
Furnish blanks to assessors	477
Give notice of hearing objections to assessment.....	478
Estimate tax, make and sign warrant	479
Enter tax on merchandise after Apr.	481
Examine all deeds etc. before record	482
Act to rebate taxes, when.....	485
Council may cause appointment, pre- scribe duties and fix salary.....	498
His duties if appointed.....	498

COMMISSIONS—

All officers to receive.....	399
------------------------------	-----

COMMON COUNCIL—

Designate harbor master's office.....	41
Designate hay stands.....	47
Authorize quarantine	51
Confirm inspector of gas meters and act on vacancy.....	61
Prescribe time for lighting lamps....	62
Comptroller report discrepancy in gas accounts to.....	64
Receive reports from inspector of gas meters.....	64
Fix salary of additional inspectors of gas meters.....	65
Appoint inspector of steam boilers..	66
Receive report of inspector of steam boilers quarterly.....	67
Remove insp. of steam boilers, when	68
Control licenses issued.....	71

COMMON COUNCIL, *Continued—*

Licenses transferred by, or mayor...	72
License issued by authority of, only transferable by mayor.....	72
Permit of, required to fire firearms or fireworks.....	28, 517
Permit distillery, slaughtering and rendering houses.....	82
Ordinances of, to be recorded, etc...	86
Approve plans for parks, etc.....	88
Grant permit to store petroleum, etc	95
May revoke permit to P. Ft. W. & Chi. Ry, to use warehouse for pe- troleum, etc.....	95
Designate police justice, north di- vision	97
Confirm deputy clerk for north div. police court.....	97
Designate police justice, west div....	98
Elect clerk police court, west div....	98
Act on appointment and removal of prosecuting attorney.....	99
May consent to transfer, etc., porter etc., license.....	103
Act on pound keeper's bond.....	109
Act on appointment of pound keepers	119
Publish report of school land apprais- ers.....	119
Act upon such report before it is final	119
May rescind showman's etc. license..	122
Fix grades.....	123, 533
May receive permit to occupy gutter space.....	126
Appoint city weighers.....	148
Receive report of sealer of weights etc	152
Act on use of wharfing privileges....	152
Give authority to deed north market lot.....	170
Regulate running of cars on horse R'ys.....	189, 196, 198
May grant extension of time to rail- ways, W. & S. Div.....	190
Requirements of, as to streets to gov- ern R'ys W. & S div.....	191
Contract with Chi. city Ry. Co.....	192
Committee of, to receive plans for H. of correction.....	235
Fix tolls on Lake View avenue.....	242
Committee of, to act concerning Mil- liman track	246
Committee of, join in purchase lots in Oakland cemetery.....	247
Approve location of R. R. bridge south of Twelfth street.....	252
Right reserved to rescind a grant to Chi. & Miss. R. R.....	252
Right reserved to repeal etc. grant of street crossing to C. A. & S. L. R. R. Co.....	256
May regulate use of Ill. Cent. R. R. tracks.....	286

COMMON COUNCIL, Continued—

May sell strip of land on lake shore	289
The same repealed.....	616
Regulate use of steam power by F.W. & Chi. R. R. Co.....	302
Constitutes municipal government...	385
Appoint officers, when.....	386
Order election to fill vacancy in, when.....	386
When tie vote for alderman, lots to be cast before.....	387
Same as to elective officers.....	387
Act upon appointments to board of public works.....	388
May prefer charges against mem- bers of B. of P. W. and police.....	389
Act upon appointment guardians of reform school.....	389
Appoint certain officers.....	389
Act upon appointments of mayor.....	390, 393
Jurisdiction to try and remove officers.....	390
Compel attendance of witnesses	390
Order election of mayor, when.....	390
Act upon vacancies in appointees of..	390
Regulate elections.....	391
Canvass returns of election.....	391
Canvassers certify to, canvass of elec- tion	392
Mayor preside over.....	393, 394
May call on mayor for information....	393
Veto power of mayor over acts of....	394
When to appoint acting mayor.....	394
Members of, fire wardens and con- servators of peace.....	394
Exemptions of.....	394, 517
Clerk record proceedings of.....	395
Act upon appointment of deputy clerks	395
All ordinances of, to be recorded.....	395
Fix salary of clerk.....	395
Provide office for law officers.....	396
Fix pay of fish inspector.....	398
May prescribe duties of city phy- sician.....	398
And of other officers	398
Approve bonds of comptroller, trea- surer, collector, and school agent..	398
Designate corporation news- paper.....	398, 399
Publish ordinances, etc., in German newspaper	398, 399
Presiding officer of, sign com- missions	399
Establish salaries where not fixed by law.....	399
Fix salaries of all officers except its own members.....	400
Mayor and aldermen constitute.....	401
Quorum.....	401
Elect president annually.....	401

COMMON COUNCIL, Continued—

No compensation to aldermen.....	402
Stated and special meetings.....	402
Ordinances, etc., how acted on.....	402
What ordinances to be engrossed....	402
Reconsideration of vote.....	402
May require report from officers.....	402
Ayes and nays on certain ordinances	402
Control finances and property.....	403
Lease wharfing privileges.....	403
Prevent obstruction of river and highways	403
Restrain forestalling, etc.....	403
Regulate sale of liquor.....	403
Sale of liquor to minors.....	403
Regulate groceries, saloons, etc.....	403
License, etc., billiards, etc.....	403
“ hackmen, etc.....	403
“ auctioneers, etc.....	403
“ peddlers, etc.....	403
“ showmen	404
Order issue of licenses.....	404
Prevent riot, etc.....	404
Restrain disorderly houses	404
Compel cleansing of factories, etc...	404
Locate, etc., breweries, etc.....	404
Regulate markets, etc.....	404
License butchers, etc.....	404
Regulate storage gunpowder	404
Regulate carrying gunpowder, etc...	405
Prevent fast driving, etc.....	405
Prevent encumbering streets, etc....	405
Regulate bathing.....	405
Restrain vagrants, etc.....	405, 408
Create pound districts.....	405
Tax, etc., dogs.....	405
Prevent sports in streets.....	405
Prevent spread of disease, etc ...	405, 408
Control streets, etc.....	405, 407
Control sidewalks.....	405
Prevent street noises.....	405
Abate nuisances.....	405, 408
License, etc., runners.....	406
Regulate burials, etc.....	406
Regulate lumber yards.....	406
Regulate inspection of lumber.....	406
Regulate sale of fish.....	406
Regulate sale of hay and ice.....	406
Regulate sale of wood and coal.....	406
Regulate inspection of flour, etc....	406
Regulate inspection of whisky, etc..	406
Appoint inspectors, etc.....	406
Regulate sale of bread.....	406
Regulate pumps, etc.....	406
Establish pounds.....	406
Erect lamps, etc.....	406
License, etc., ferries.....	406
Prescribe power for railroads, etc....	406
Erect, etc., house of correc- tion.....	406, 408, 412
Prescribe sealing of weights, etc.....	407

COMMON COUNCIL, Continued—

Construct bridges.....	407
Preserve the harbor.....	407
Regulate trees and public grounds...	407
Regulate yards, barns, cellars, etc...	408
Erect hospitals, etc.....	408
Regulate disposition of unsound food, etc.....	408, 411
Educate, etc. mendicant children.....	408
Make and alter ordinances.....	408
Purchase and regulate cemetery..	409, 410
Liquor licenses to whom issued and when revoked.....	409
Vacation of streets, etc., how ordered.....	410
Lot line of vacated streets estab- lished	410
Prevent intra-mural burials.....	410
Purchase ground for city hall.....	410
Provide inspection of steam boilers..	410
Appropriate for celebration, etc.....	410
Prescribe speed of craft in river.....	410
Regulate construction of buildings...	411
Authorize use of streets by railways..	411
Regulate storing, gun-powder.....	39, 411
Control use of steam whistles.....	411
Regulate theaters, etc.....	411
Borrow money to increase sewerage, etc.....	411
Clean streets, etc.....	411
Contract scavenger work.....	411
Prevent carrying concealed wea- pons.....	412
Dispose of bridewell grounds.....	412
Pay for house of correction by tax or bonds	412, 424
Adopt rules to govern it.....	412
Require detail of policemen, when...	412
Allow dummies, etc., in streets.....	412
Regulate slaughtering.....	413
Settle damages for change of dock lines.....	413
Ordain police regulations.....	413
Prohibit piling of lumber, where.....	413
May appoint city audi- tor.....	389, 390, 414, 428
Act on appointment of comptroller...	415
Fix and approve bond of.....	415
Members or committee of, examine books, etc., of comptroller.....	415
Finance committee of, act on dis- puted accounts.....	416
Receive annual estimates from comp- troller.....	417
Finance committee of, inspect books of treasurer.....	418
May prescribe books for treasurer...	418
May direct deposit of moneys.....	419
Cause bank to give bond, when.....	419
Receive annual report of treasurer...	419
Fix and approve treasurer's bond...	419

COMMON COUNCIL, Continued—

Prescribe duties of collector.....	419
Finance committee of, supervise books, etc., of collector.....	420
Collector report annually to.....	420
Fix and approve collector's bond....	420
Finance committee of, examine re- ports of treasury department.....	421
Finance committee decide controver- sies of treasury officers.....	421
Authorize clerks in treasury dep't....	421
Prescribe duties of treasury officers..	421
Not incur expenses not appropriated for, unless when.....	423, 428
Borrow to pay special assessment....	423
Tax to pay interest on floating debt bonds.....	423
Issue bonds, general expenses, etc...	423
Authorize new for maturing bonds...	424
Provide for registration of bonds....	424
Borrow on failure of revenue.....	425
Increase of police pay by, (1864) confirmed.....	426
Approve bond of com'rs pub. w'ks...	430
Prescribe salary city engineer.....	430
Fix number of ass'ts b'd pub. w'ks..	431
May require reports from board of public works.....	432
May prescribe other duties board of public works.....	432
Authorize contracts without adver- tisement, when.....	435, 469
Receive annual report from board of public works.....	432, 437
Levy tax for repairs, etc., of board of public works.....	438
Members of, not receive interest on city funds.....	438
Examine records of b'd of pub. w'ks	439
Lay out streets, slips, public grounds, etc.....	440
Grade and plank streets, etc., and repair	440
Widen, etc., river.....	440
Construct sidewalks, lamps and drains.....	440
Fill, etc., public squares.....	440
Refer application for improvements..	441
Board of public works furnish plan of street improvements, etc., to...	441
Proceeding when improvement or- dered by.....	442
Revise, etc., special assessment roll..	445
Order assessment for gas and water pipe	448
Proceeding, condemnation to improve streets, etc.....	448
Act upon ordinances for improve- ments from b'd of pub. w'ks..	448, 449
Order re-paving, etc., from general fund.....	451

COMMON COUNCIL, *Continued*—

Proceeding of, on raising sidewalk, drain, etc.....	451
Prescribe penalty for not raising sidewalk, etc.....	451
When sidewalks ordered by, board of public works may contract for	452
Change dock lines, erect lamps, lay gas and water pipe.....	452
May order sewers laid.....	452
Assess cost of removing nuisances...	453
On failure of special assessment may order new.....	454
May levy tax to improve river, when	454
Levy tax where special assessment declared void.....	455
Authorize individuals to build bridge, when	455
Widen Michigan avenue, how.....	456
Never to allow encroachment on lake front.....	456
Fix salary board of public works within certain limits.....	457
May make local improvements by special assessments.....	459
Or by special taxation.....	459
Or by special assessment and taxation.....	459
Pass ordinance for local improvements	462
Appoint commissioners to estimate cost of improvement.....	462
Order petition to assess cost of improvement	462
Prescribe time collector to report delinquents.....	466
Fix pay of county treasurer for tax sale, etc.....	467
May require officer to bid at tax sale	468
Proceeding when improvement requires assessment	468
Direct assessment for deficiencies....	468
Pass ordinances as to contracts.....	469
Levy $4\frac{1}{2}$ mills for contingent expenses	471
" 1 " reform school.....	471
" 2 " street lighting.....	471
" tax for interest, etc., on sewerage and water debt.....	471
Levy tax $2\frac{1}{2}$ mills, city hall, etc.....	471
" " pay borrowed money.....	471
" 5 mills school tax.....	471, 492
May authorize schools continued when deficiency.....	472
May issue \$500,000 school construction bonds.....	472
May levy tax $\frac{1}{4}$ mill as sinking fund	472
Levy $3\frac{1}{2}$ mills police expenses.....	472
" 2 " street repairs, etc.....	472
" 1 " sinking fund.....	472, 492
" 1 " sewerage fund ...	473, 537
" 1 " water fund.....	473, 530

COMMON COUNCIL, *Continued*—

Act on appointment of tax commissioner.....	476, 498
Fix pay of tax commissioner.....	476
Pass upon assessment districts...	476, 477
Fix limit and salaries of tax commissioner's clerks.....	476
Appoint assessors, when.....	476
Appoint and fix salary of assistant assessors.....	477, 492
Provide penalty persons refusing to list for taxation.....	478
Levy tax on basis of final tax list....	479
May perfect manner of assessments, when.....	480
Taxes levied by, a lien until paid....	482
Property condemned by, for streets not taxable.....	482
Special assessment confirmed by, warrant issue.....	482
May change assessment when property destroyed.....	485
Direct when tax roll of 1872 be returned.....	486
Levy tax for general expenses.....	492
For public buildings, etc.....	492
To meet interest on debt of city.....	492
For expense caused by casualty.....	492
For water and gas purposes.....	492
Bonds purchased by sinking fund canceled in presence of.....	492
Prescribe bond of collector.....	492
Prescribe duties of assessor etc.....	492
Direct meeting of B. of equalization	494
Levy not to exceed 3 per cent. on valuation	494
Direct when collector return tax warrant.....	495, 496
Prescribe number of assistants for collector.....	495
Member of, may inspect books of collector.....	495
Fix term for application for judgment on delinquent list.....	496
Provide for expenses of tax sale.....	497
May assess and collect taxes under general revenue law of state.....	498
May increase police force, when.....	501
Act on salaries of police dep't.....	503
Provide for expense police dep't....	509
May call on B. of police for information.....	509
Designate police justices.....	512
Provide for deputy pol. court clerks.	512
Not to remit fine, except when.....	513
Approve police court clerk's bond and fix his salary.....	513
Act on appointment of dep. pol. court clerks	513
Act on removal police court clerks...	515
May provide for prosecuting att'y...	515

COMMON COUNCIL, Continued—

May prescribe other duties for clerk police court and prosecuting att'y	515
May change place of holding pol. ct.	515
May prescribe fire limits.....	516
Prevent dangerous construction of chimneys, etc.....	516
Regulate deposit of ashes, etc.....	516
Regulate manufactories.....	517
Authorize lines at fires, etc.....	517
Establish regulations to prevent fires	517
May require scuttles in roofs.....	517
Prescribe rules for disbursement, fund for disabled firemen.....	517
Limit number of fire police.....	518
Establish penalties, non-attendance of witnesses before fire marshal...	519
Procure engine houses, etc.....	520
Receive annual report as to fire department.....	520
Repair fire apparatus, when.....	521
Appoint fire commissioner, when....	521
Remove fire commissioner.....	521
Not allow additional compensation to fire commissioners.....	522
Receive annual report of fires.....	522
Act upon construction of fountains...	523
Act on purchase of property for water works.....	524
Same as to erecting buildings.....	524
Act upon allowance of damages for land taken for water works.....	524
Act on issue of \$200,000 W. works bonds	525
Proceeding by, to collect unpaid water assessment.....	529
Act upon rules as to water supply...	529
Approve construction of sewers, etc., to connect lake and river.....	532
Act on purchase of realty for sewerage.....	533
Make temporary loan for sewerage..	535
Act on issue, bonds for sewerage....	535
Pass rules to govern sewers and drains.....	538
May cause building of tunnels under river.....	538
Tax for tunnel not exceeding 2 mills	539
Temporary loan for deficiency of tunnel fund.....	539
Act on plan to cleanse river.....	539
May borrow not to exceed \$2,000,000 for cleansing river.....	540
Act on appointment of board of engineers on improvement of river...	540
Pass ordinance, protect work of river improvement.....	541
Fix salary of board of health.....	543
Receive annual report from board of health.....	543
Tax for expenses of board of health	544

COMMON COUNCIL, Continued—

Borrow money in case of pestilence, etc.....	544
Prescribe quarantine regulations.....	546
Prescribe additional duties of board of health.....	546
Not permit rendering within four miles of the city.....	547
Provide funds to enforce health rules, etc.....	548
Manage school fund and lands.....	551
Erect, etc., school houses.....	551
Buy, etc, school sites.....	551
Furnish school houses.....	551
Supply inadequacy of school fund...	551
Lay off, etc, school districts.....	551
Act on appointment of school agent..	551
Fix bond of school agent.....	552
May reduce rate of interest on school fund loaned.....	553
Establish and maintain evening schools	554
Remove members B. of education, etc, when.....	554
Act on lease, and issue of bonds, purchase and erection of sch. houses	554
Not exercise power of board of education	555
May sell school property, when.....	556
Act on appoint members B. of Ed'n.	556
Establish and maintain free library.....160,	558
Act on appointment, library directors.....160,	558
Inpose penalties injury to lib'ry.162,	559
Change location of reform school....	560
Act on appointments and salary of officers of reform school.....	561
Act on establishment of girls reform school.....	565
Levy tax for reform school.....	565
Establish house of correction.....	568
Act on appointment inspectors, house of correction.....	568
Committee of, may examine records house of correction.....	568
Reports of house of correction to....	569
May remove sup't H. of Corr., when	569
Provide for expense H. of correction	571
Fix salary sup't house of correction	571
Act to extend Whiskey Point road as Grand avenue.....	590
Macadamize South Western avenue..	590
Receive annual report commissioners Lincoln park.....	600
Limitation of Lincoln park bonds, by	602
Annual report of park com'rs, to	612, 616
Act upon sewers by park com'rs, when	613
Jurisdiction to annex territory when	617
Proceeding by, to annex territory...	617

COMMON COUNCIL, Continued—

Direct time of return of delinquent tax list..... 620

Jurisdiction as to wharfing privileges.....629, 681

COMPENSATION, see Officers. Salary of, also Fees and Rates of Fare—

Of inmates of house of correction, cleaning schools..... 118

Tariff of fares for vehicles..... 139

Tariff of fares for wagons, etc..... 144

To Chicago gas light and coke Co..... 173

Of J. Reid & Co. for slaughtering... 350

Extra, not to be paid to salaried officers.....400, 401

None to aldermen.....402, 438

Council fix, of hackmen, etc..... 403

Also for pound-keepers..... 412

Also for comptroller..... 415

Collectors of special assessments, how fixed..... 467

Tax com'r. fix, of clerks, when..... 485

Of Co. Treas. for tax sale fixed by council..... 497

Board of public works may agree on, for land taken for water works—

When..... 524

Proceeding to ascertain when disagreement as to value of such land.. 524

Of teachers, fixed by B. of education 555

COMPROMISE—

With C. & A. R. R. Co. as to paving

Archer avenue.....,..... 256

With Jonathan Y. Scammon..... 341

With lessees of school lands..... 348

COMPTROLLER—

Register city bonds, when..... 5

Procure dog license plates..... 14

Examine weighers accounts..... 47

Allow weigher's compensation..... 47

Receive commitments to H. of Corr. 58

Record committals to H. of Correction 58

Receive duplicate receipt of fines collected..... 59

Certify expiration of service in house of correction..... 59

Receive quarterly report from superintendent of house of correction... 59

To make time table for lighting public lamps..... 62

And furnish same to gas companies and others 62

Receive monthly report from inspector of gas meters..... 63

And from watchmen over gas..... 63

Adjust gas bills..... 64

Receive report, city test lamps..... 64

Report to council discrepancy in gas accounts 64

Receive report of examination of test meters, etc.....,..... 64

COMPTROLLER, Continued—

Act upon bond of inspector of gas meters..... 65

Act to assign district for additional inspector of gas meters..... 65

Furnish apparatus, etc., for inspector of gas meters..... 65

Receive monthly report, etc., from pound keeper..... 109

Pay over surplus of proceeds of animals impounded..... 109

Prescribe form of books for pound keeper and adjust accounts monthly 109

When pay from school tax fund..... 118

Act in case of default of inspectors of house of correction, to assess price labor of convicts..... 118

Procure standard weights and measures..... 150

Pay over per-centage of insurance rates.....157, 158

Issue bonds for State street bridge, when..... 159

Pay to certain institutions, certain fines..... 163

Not to pay to Chicago erring women's refuge..... 164

Join in contract for use of public square..... 165

His deed (for city) to county, of north market hall lot..... 170

To contract for gas works at house of correction..... 177

With mayor to purchase land for house of correction.....235, 236

Join in contract as to offenders in house of correction..... 239

Contract with county..... 239

Join in purchase, burial lots.....246, 247

Join in appointment superintendent as to Milliman track..... 246

Join in extinguishing title of owners of cemetery lots..... 247

Join in deed to west park com'rs.... 249

Join in exchange of Ira Judd tract 249

Settle damages building bridge at Van Buren street..... 333

Issue bonds to Jonathan Burr trustees in lieu of bonds destroyed..... 347

Join in compromise with lessees of school lands..... 348

Receive \$20,000 from P., Ft. W. & C. R. R. for tunnel..... 358

To pay moneys to Washingtonian home..... 366

Officer of municipality..... 385

Guardian of reform school..... 389

Direct conduct of law business..... 396

Execute bond to city.....398, 415

Pay fees received into treasury..... 400

OMPTROLLER, *Continued*—

Salary.....	400
Issue warrants for salaries.....	400
Have charge of cemetery.....	409
Officer of treasury department.....	414
Appointed and removed by mayor...	415
Keep account of appropriations and expenditures.....	415
Supervise revenue officers—(Other powers.....	415
Audit all accounts and administer oaths.....	416
Draw warrants on treasurer..	416, 417, 418
Charge receipts against rev. officers..	416
Require reports from rev. officers.....	416
Sign tax and assessment warrants	416, 480, 483
Report defaulter.....	416
Annual statement of finances.....	417
Annual estimates, expenses and receipts.....	417, 438
Monthly statement, receipts, etc.....	417
Prescribe and inspect treasurer's accounts.....	418
Treasurer return paid warrants to...	418
Treasurer report to, monthly.....	418
Supervise accounts, etc., of collector	420
Collector report weekly to.....	420
Compare annual reports of treasury department.....	421
Appoint clerks, etc.....	421
Council may prescribe other duties...	421
Issue bonds for floating debt.....	423
Issue and retire school construction bonds	427
File copies, contracts b'd pub. w'ks..	434
Consent board of public works do certain work, when.....	435
Examine accounts, etc. board of public works.....	439, 509
Keep three accounts of insurance rates	474
Deliver tax warrant to collector.....	480
Deliver special assessment warrants to collector.....	483
Act for collector when vacancy.....	484
Supervise employment of clerks by tax commissioner.....	485
Act on rebate of tax, when.....	485
Collector file receipts for money with	495
A trustee of Police Life and Health Ins. fund.....	504
Transmit estimates board of police to council.....	509, 580, 537
File relinquishment of fees by police justice.....	513
Draw warrant for witness fees, when	514
Receive daily report from police court clerk.....	514
Notify clerk police court of default..	515
File reports of prosecuting attorney	515

COMPTROLLER, *Continued*—

Receive and transmit annual estimate expenses, fire department....	518
Draw warrant to pay bills of fire department.....	520
Pay interest on, and principal of bonds.....	526, 536
He only sell sewerage bonds.....	535
May be authorized to sell sewerage bonds below par, when.....	535
Record issue of bonds..	424, 526, 536, 599
Borrow money, when.....	423, 425, 426, 472, 537
Receive report sum needed for int. on sewerage bonds and for sinking fund	536
Receive, etc., annual estimates of board of health.....	544
Sign conveyances of school land.....	551
Member board of guardian's reform school.....	560
Receive and transmit reform school estimates.....	565
Records H. of Corr. open to.....	568
Receive quarterly report H. of Correction	569
Act to issue bonds for Lincoln park..	598
Receive report of bonds disposed of by north park commissioners.....	599
CONCEALED WEAPONS—	
Carrying of, prohibited.....	11
To be confiscated.....	11
Police arrest violators without warrant.....	12
Proceeding against—Writ.....	12
Service of writ, how made.....	13
Proceeding to judgment.....	13
Penalty for carrying.....	13
Police not liable for carrying.....	13
Council may prohibit carrying.....	412
CONCERTS—	
Council license and regulate.....	404
CONDEMNATION OF REALTY—	
Proceeding by B. of public W. when improvement needs..	442, 459, 524, 533, 538, 541
When complete	446
Effect of, on land contracts.....	446
Proceedings to be recorded.....	447
Authorized to add land to Lincoln park	457
When possession may be taken under	461
When made by council not taxable...	482
By south park commissioners when..	588
Proceeding by west Chicago park commissioners for.....	590
For north parks, procedure.....	598
For parks authorized.....	608
Jury assess damage for park drives..	610
For land for boulevards, etc.....	611

CONDUCTOR—

- Street railway cars not to run without..... 56
- Railroad, to have copy of ordinance as to railroads..... 111

CONSTABLES—

- Officers of city..... 385
- Police have common law powers of... 504

CONSTRUCTION—**OF LEGISLATIVE ACTS—**

- Of words "city council," in act April 15, 1878..... 498
- Of words "city clerk," same act..... 498
- As to wharfing privileges..... 631

OF ORDINANCES—

- Grades..... 38
- Rule of, prescribed..... 87
- Of peddlers, ordinance as to children 94
- Of orders, etc., directing grade to be raised..... 127
- Authorizing track on Lincoln avenue 224
- Authorizing Chicago & Evanston R. Co. to operate road..... 234

CONTAGIOUS DISEASE—

- Board of health to prevent spread of 48
- Persons having, to be removed, where..... 49
- Physicians to report all cases of...50, 545
- Householders to report cases..... 50
- Boats, cars, etc., not to bring persons infected with..... 54
- Council prevent spread of..... 405
- Board of health prevent spread..... 545
- Inspection of vessels as to..... 546
- Non-residents having, may be removed..... 546

CONTINGENT FUND—

- Mayor's police paid from..... 101
- Plans for city hall paid from..... 164

CONTRACT, see also Conveyance—

- Bids offered for, to be filed..... 10
- Specifications to precede..... 10
- Increase of price under, prohibited.. 10
- Changes in, how made..... 10
- With Galena & Chi. U. R. R. Co..... 272
- With C. & N. W. Co. as to sewerage.. 276
- With Jonathan Y. Scammon as to deposit of certain school and other funds..... 341
- Printing of city boards let by..... 399
- Officers named not to be interested in..400, 402, 428, 437, 584, 600
- Council authorize, clean and repair streets..... 411
- Council authorize for scavengering... 411
- Required of railroad companies running dummy..... 412
- Bids for, to be sealed..... 433
- Board of public works let to lowest responsible bidder.....434, 469
- Bd. of Pub. W. to make reservat'ns in 434

CONTRACT, Continued—

- To be made by board of public works for materials..... 434
- May be let without publication, when.....435, 469
- River and harbor work without, when..... 435
- Liability under, for damages at work authorized..... 436
- Conditions of, as to streets..... 436
- Bond of indemnity to be taken under, for public works..... 436
- Of board of public works in name of city 437
- Water and sewerage, made and carried out by board of public works.. 437
- Specify fund to be paid from..... 437
- Effect of condemnation of property on 446
- Board of public works may make, for sidewalks..... 452
- Payable by special assessments, city not otherwise liable..... 468
- Work let by, when..... 600
- Park commissioners may procure extension of time on..... 615
- Terms of annexation of cities, etc., to be in nature of a..... 617
- City may, for supply of water..... 625

AUTHORIZED—

- State street bridge..... 159
- Twenty-second street bridge..... 159
- Joint occupancy public square to be prepared 165
- Same authorized, basis of stated..... 165
- Of city and county for occupancy of public square..... 166
- With Chicago gas light and coke company authorized..... 173
- For gas at house of correction...177, 238
- Construction of shops, etc., house of correction..... 238
- With county as to offenders..... 239
- With Joliet and Chicago railroad company as to entering city..... 253
- With canal trustees, cutting down canal, etc..... 334
- For portion of I. & M. canal..... 336
- Erection of fire alarm telegraph..... 355
- La Salle street tunnel..... 357

MADE—

- Joint occupancy of public square.... 166
- Use of lot for county jail..... 170
- Horse railway ...201, 205, 208, 242, 215, 218, 225, 233
- As to convicts of county in house of correction..... 239
- Chicago and N. W. R. R. Co. grade, etc..... 273
- Chicago and N. W. R. R. Co. sewerage..... 276

CONTRACTOR—

Estimates to.....	434
No lien on city, when.....	434
Proceeding in case of default of 484,	435
Liability for injury at works.....	436
Bond of indemnity of.....	636
Claim for work by special assessment only on collections of.....	468
On parks, etc., how paid.....	675

CONVEYANCE—

City to county, north market hall lot	170
Burial lots in exchange for lots in Milliman track.....	246
To West Chicago park commissioners authorized	249
Of Ira Judd tract authorized.....	249
Of vacated parts of streets.....	270, 272, 312, 359
City to convey land on lake front....	291
Reform school grounds, etc., author- ized	332

CONVEYANCES—

Of realty to be endorsed by commis- sioner of taxes before record.....	482
---	-----

COOK COUNTY—

Contract with city as to public square	166
North market hall lot tendered to....	170
Resolutions of, in relation to north market hall lot.....	170
Conveyance of lot to.....	170
Authority of, to contract for recep- tion of offenders in house of cor- rection.....	239, 570
Contract of county and city as to certain offenders.....	289
Acceptance of sale of reform school grounds.....	331
Described.....	627

CONVEYOR—

Return of inquests to b'd of health	180
-------------------------------------	-----

CORPORATE AUTHORITIES OF**TOWNS, see Commissioners of Parks—**

Park commissioners constituted such	608
Make assessment for park benefits...	604
Change location, etc., of parks, when	607
Make special assessment for parks...	609
May authorize park bonds.....	610
Levy 3 mill tax for parks.....	611, 612
Supervisor, clerk and assessor constitute.....	611, 613
To act upon construction of sewers for park drainage.....	613

**CORPORATION COUNSEL, see also
Counsel, etc.—**

Act upon bond Inspec. of gas meters	65
Act in appointing prosecuting att'y..	99
Prepare contract for occupancy of public square.....	165
Act on compromise with lessees of school lands.....	348
Officer of city.....	385

CORPORATION COUNSEL, Continued—

Give all time to business of office.....	395
Chief officer of law department.....	396
Duties of.....	396
Salary.....	400
Right to be heard by board of public works on condemnation of realty..	442
Notice of appeal from assessment to be given to.....	445
Records H. of correction open to.....	568
Give notice of application for judg- ment on North park appraisal.....	598

CORPORATION NEWSPAPER—

Advertise meeting of school land appraisers.....	118
Designated by council.....	398
German, having largest circulation...	398
Time to designate both changed.....	399
Publish comptroller's statements....	417
Advertisements as to Pub. W'ks in...	438
Notice of making special ass'm't 442,	450
Two or more notices of boards in one advertisement.....	442
Filing of assessment roll published in	445
Notice of readiness to pay for land condemned, etc.....	446
Effect of such publication on contracts	446
Hearing of objections to assessment..	478
Collector's notice to pay tax, etc.....	483
Water assessments, when due.....	527
Annual report house of correction	569
Penal ordinance, six times in.....	572

COTTAGE GROVE AVENUE—

Railway track in, allowed.....	188
When to be completed.....	189

COUNTY COURT—

Jurisdiction to assess cost of im- provement.....	462
Proceeding in case of.....	462
Jurisdiction of, as to tax of 1872....	487
Correct informalities as to tax, 1872..	489
Jurisdiction of delinquent tax list...	497
Jurisdiction as to park assessm'ts 606,	614
Act on treasurer's bond, when.....	620

COUNTY JAIL AND CRIMINAL COURT—

Conveyance of North Market lot to Cook county.....	170
---	-----

COUNTY SEAT—

Created at Chicago.....	627
-------------------------	-----

COUNTY TREASURER—

Proceeding on delinquent special assessment.....	466
Pay over moneys re- ceived.....	467, 488, 620, 621
Apply for judgment on tax warrant of 1872.....	486
Duty of, on delinquent list so re- turned.....	487, 620
Receive payment of delinquent taxes after return.....	487
Make final settlement after sale.....	488

COUNTY TREASURER, Continued—

- Fees for making tax sale.....488, 497
- Has personal action for tax of 1872..... 488
- On receipt of delinquent list to proceed to judgment, etc..... 496
- Enter collector's receipts up to time of sale..... 497
- No compensation receiving park funds..... 606
- Collection of park assessments..... 609
- Constituted general officer, etc., to collect, etc..... 619
- Bond of, as general officer, etc..... 620
- Power of, in collection of taxes..... 621
- Give notice of application for judgment on delinquent tax list..... 621
- How to proceed when variance in description of delinquent land.... 624

COURT OF RECORD—

- Jurisdiction to commit to reform school..... 563
- Only to commit to reform school.... 566
- Sentence juvenile offenders to state reform school..... 567
- All suits against city in..... 573

COVENTRY STREET—

- Chicago & Pacific R. R. may cross... 277

COWS—

- At large, impounded..... 106

CRAFTS, see Vessels.**CRIME—**

- Police may enter house to arrest on suspicion of..... 100

CRIMINAL COURT OF COOK COUNTY, see County Jail, etc.

- May sentence to house of correction 573

CROWDS—

- Forbidden on bridges..... 7

CRUELTY—

- To animals a misdemeanor..... 76

CURB STONES—

- When set to be backed..... 127

CUSTODIAN OF STOLEN PROPERTY—

- To be appointed..... 506
- Register and keep property..... 506

D.**DALTON, A.—**

- Operate track on Lumber street..... 324

DEAD PERSONS—

- Intra-mural burial, prohibited..... 9
- Not to be interred or removed without permit..... 180
- Removal of, from Milliman track.... 246
- Not to be buried in Chicago cemetery..... 248
- Council regulate burial of..... 406
- May purchase cemetery for..... 409

DEALERS IN SECOND-HAND GOODS—

- Definition of phrase..... 69
- To be licensed..... 69
- To keep record of purchases..... 70
- When boat used by, to have sign.... 70
- Record subject to inspection..... 70
- Not to purchase of minors..... 70

DEARBORN STREET—

- Railway never to be laid in..... 229

DEATHS, see also Births—

- To be registered..... 179
- Council provide for registration of... 406

DEBT—

- Not to be contracted unless when.... 492

DEFAULT—

- Giving notice of laying pipes, etc., in street, damages..... 120

DEFAULTER—

- Pound keeper a, not receive salary.. 110
- Disqualified for office..... 391
- Defined..... 391
- Office of becomes vacant..... 391
- Comptroller to report..... 416
- Proceeding when police court cl'k is 515

DEFINITIONS—

- A ton of coal..... 11
- Dog..... 15
- Shed..... 21
- Vessels, crafts and floats..... 45
- Harbor..... 45
- Junk dealer..... 69
- Dealer in second-hand goods..... 69
- Butcher..... 75
- Vagrants..... 75, 408
- Reasonable time..... 87
- Pawnbroker..... 91
- Peddler..... 98
- Night scavenger..... 114
- Cord of wood..... 152
- Defaulter..... 391
- Harbor of city..... 407
- Embezzlement of city money..... 421

DEPARTMENTS OF CITY GOVERNMENT—

- Treasury..... 414
- Not incur expense, unappropriated for 428
- Board of public works..... 429
- Board of police..... 499

DEPOTS—

- Penalty, non-obedience to police at. 101
- Porters and runners at, deliver card 102
- Soliciting for transfers from, prohibited, when..... 102
- Vehicles stand at, to be assigned 104
- Hack stand at Wells street..... 141
- Regulations of, to be obeyed by 142
- Grant of land to Ill. Cent. and 145
- railroad companies for..... 290
- P., Ft. W. & Chi. R. R. Co. erect 305.
- at places stated..... 309

- DEPOT PLACE—**
 Col., Chi. & Ind. Cent. R'y track in 298
 When the track may be laid..... 299
- DEPUTY CORONER, see Coroner.**
- DEPUYSTER STREET—**
 Part of vacated for railroad uses..... 254
- DESPLAINES STREET—**
 Chicago City R'y Co. lay track in.... 194
 When to be completed..... 195
 Further rights on..... 204
 North, released from railway uses... 210
 Release of companies..... 212
 South from Van Buren..... 216
- DILLER, ISAAC R.—**
 Operate track on Union street..... 318
- DIRECTORS, PUBLIC LIBRARY—**
 Who competent and how appointed..... 160, 558
 Term of office..... 161, 558
 When removed and how..... 161, 558
 Vacancies, how filled..... 161, 558
 Organization how completed..... 161, 558
 Their powers enumerated..... 161, 558
 Report annually..... 161, 559
 Special trustees of donations, etc.. 162, 559
- DISEASE, see also Contagious Disease—**
 Council abate nuisances tending to create 408
- DISINFECTION—**
 Of privy vaults before cleaning..... 180
 Of vats, etc., at slaughter houses, etc..... 186
- DISORDERLY ASSEMBLAGE—**
 Council prevent..... 404
- DISORDERLY CONDUCT—**
 Penalty for..... 80
 Prohibited in parks..... 89
 By porters and runners prohibited... 106
 By drivers of vehicles, penal..... 145
- DISORDERLY HOUSE—**
 Keeping or supporting, a misdemeanor 76
 Penalty for keeping..... 77
 Right of police to enter..... 78
 Where minors allowed to drink, etc.. 129
 Council suppress..... 404
 Liquor license of, revoked..... 409
- DISPENSARY—**
 Council may erect and control..... 408
- DISQUALIFICATIONS, see also Office, Disqualifications for—**
 City officer as surety on official bond, etc..... 390
 Same as to alderman..... 390
- DISQUALIFIED PERSONS—**
 Proceeding to condemn property of..... 461, 524, 533, 538
 To sit on jury for annexation of territory..... 618
- DISTILLER, see also Distillery—**
 Penalty on, for letting offal flow, etc. 83
- DISTILLERY—**
 Not to be kept without a permit... 82, 184
 Offal of, how disposed of..... 83
 Penalty for offensive premises..... 84
 None within limits stated..... 183
 Council tax and license..... 403
 And regulate..... 404
- DISTRICT SCHOOLS—**
 Terms of..... 116
- DIVISION STREET—**
 N. Chi. R'y Co. lay track in..... 198
- DIVISIONS OF CITY—**
 North, south and west (3)..... 381
- DOCK LINES—**
 Reserved right to change, at ends of certain streets vacated..... 272
 Kinzie to N. Franklin st. established 377
 Council settle damages for changes of 413
 Proceeding when ordered changed... 449
 Council change and establish..... 452
- DOCKS—**
 Council prevent encumbering of..... 406
 Board of public works in charge of... 432
- DOGS—**
 To be registered..... 13
 Tax on, fixed..... 14
 Duty of owner of..... 14
 To wear metal plates..... 14
 Penalty for counterfeiting plates..... 14
 Penalty for violating, ordinance..... 14
 Not wearing plates, impounded..... 14
 Slain if not redeemed..... 14
 How to redeem..... 14
 Pound-keeper to report receipts..... 15
 Fee to be paid impounders..... 15
 Penalty removing dog plate, etc..... 15
 Penalty for dangerous dogs at large 15
 Penalty, dog in heat at large..... 15
 Dog defined..... 15
 To be muzzled, when—Penalty..... 15
 Proceeding against biting dogs..... 16
 Penalty, not slaying biting dog..... 16
 Council tax and destroy..... 406
- DONATIONS—**
 To public schools appropriated..... 117
 Unexpended balances of, how used.. 117
 To library vest in directors..... 162, 559
 Of land offset assessment..... 448
 W. Chi. park com'rs may take by... 589
- DOUGLAS PLACE—**
 Use of part, for Fairview R. R. station..... 291
- DRAINS—**
 When to be laid, notice given..... 120
 Altering without permit, penal..... 121
 Damage to, penal..... 121, 538
 B'd public w'ks lay in streets, etc... 532
 For tenements, etc., prescribed..... 547
- HOUSE—**
 Altering without permit, penal..... 121
 Damage to, penal..... 121

DRAINS, Continued—**PRIVATE—**

Penalty for offensive.....	84
On notice to repair, owner to proceed	124
Council cleanse etc.,.....	408
None into river or canal without permit	438
Council cause construction, etc.....	440
Application for, how made.....	441
Proceeding when ordered.....	449, 451
Chargeable on lot benefited.....	534
Board of public works locate, etc....	534
And may construct from each lot....	534
B'd. pub. W. make rules to govern...	538
Sewers by park com'rs, connect with	614

DRAY—

To be licensed.....	137
Sign to be painted on.....	137
Driver, not owner, to be licensed....	138
Driver wear badge.....	138
Fee for license.....	139
Driver stand by, when.....	142
Driver not act as porter.....	143
Tariff of charges established.....	144

DRAYMAN—

Penalty, not aiding police.....	101
Penalty, refusing to obey police at depots, etc.....	101
Council regulate.....	408

DRUGGISTS—

Duty on sale of poison.....	78
Not affected by liquor ordinance, when	129

DUMMY, STEAM—

Prohibited north of Egan avenue....	223
May run to clear off snow.....	224
Council may allow on street R'ys, when	412, 413

DWELLING HOUSE—

On improved streets, to be notified when garbage wagon will call.....	114
---	-----

DYER—

Penalty letting offal flow.....	83
---------------------------------	----

E.**EARTH—**

Deposit of, by sewers, penal.....	121
-----------------------------------	-----

EATING HOUSE—

Notice to be given, when garbage called for.....	114
--	-----

EGAN AVENUE—

R. R. Cos. crossing, to keep flagman	112
Penalty leaving cars, etc., north of..	112
Part of, conditionally vacated.....	158
Chi. & Canada S. etc. R. R. track in	258
W. F. Tucker and associates' track in	328
Atl. & Pac. Tel. Co. poles on	353

EIGHTEENTH STREET—

Railway track in.....	218
Flagman at railroad crossing.....	292

ELECTION, see also Officers—

Inspectors of, in each ward or precinct, officers of city.....	385
When held—Notice how given.....	386
Of certain officers by people.....	386
Council order, to fill vacancy	386
Of aldermen, provided for.....	387
Proceeding when tie vote for alderman.....	387
Same as to other officers.....	387
Of police com'rs in county.....	388
To fill vacancy in B'd of police, when	389
To file vacancy for mayor, when....	390
How conducted.....	391
Returns, etc., deposited with clerk of county.....	392
Result of canvass of, to council.....	392
Of president of council, when.....	401
Council judge of, of its own members	402
Council may provide for, of pound keeper.....	412
President and treasurer of board of public works.....	430
Special patrolmen at.....	506
Assault on elector on, day penal.....	510
Police court clerk, when.....	513
Inspectors appointed, how.....	576
As to park acts, provided for.....	585, 592
Same confirmed.....	586, 594
As to annexation of territory.....	617

ELECTORS—

Exempt from arrest, when.....	392
Qualifications of.....	392
Arrest for fraudulent voting.....	392
Penalty assaulting, on election day..	510

ELM STREET—

North Chi. R'y Co. lay track in	198
---------------------------------------	-----

EMBEZZLEMENT—

Of city money, defined.....	421, 438
Penalty for.....	421, 438
Paying out water fund for other purposes.....	530

E. MENDSEN CO—

Operate track across Twenty-second street.....	322
--	-----

ENGINE, see Locomotive Engine.**ENGINEER, see also City Engineer—**

Penalty for neglect of duty by.....	67
Of locomotive engines to receive copy of railroad ordinance.....	111
Appointed to aid in river improvement.....	540

FIRE DEPARTMENT—

Office of chief and assistants abolished	522
--	-----

ENGINE HOUSE—

Test of guage meter and lamp at.....	63
Watchman at, keep record of gas....	63
Salary of watchman at, who keeps gas account.....	63
Board of public works in charge of..	4
Council provide.....	

ENTERTAINMENTS—

License fee for, to be paid to city collector..... 72

ENTRY, RIGHT OF—

B. of Pub. works for water purposes 524

Also for sewerage..... 534

To carry out health rules, etc..... 547

Of police.....78, 504, 505

O. TABLE—

Keeping of, prohibited..... 77

Penalty visiting place where kept... 78

EPIDEMIC—

Power of board of health when, prevailing..... 544

Council borrow money in case of, etc 544

ERIE STREET—

Chi. & Evanston R. R. Co. lay track in 231

ERRING WOMEN'S REFUGE, see *Chicago Erring Women's Refuge.*

ESCAPE—

Or attempt to, from house of correction prohibited..... 58

Attempt to aid, from police penal.... 101

Procuring, from reform school penal 566

ESTIMATES—

Comptroller's annual..... 417

Granted to contractors when..... 434

Annual, of board of public works.... 488

Board of public works as to improvement asked for..... 441

Board of police annual.....509, 518

Board of health annual..... 544

Expense of reform school..... 565

South park commissioners.....584, 586

Of appraisers north park, where filed 597

Annual for cost of parks602, 611

EUGENIE STREET—

Railway track in..... 213

EVANS, E. & CO.—

Operate track in Thirty-first street.. 319

EVING SCHOOL—

Council establish and maintain..... 554

EVIDENCE—

What received on hearing of special assessment cause..... 465

Collector's report of delinquents prima facie as to what.....467, 621

Special assessment warrant, p. f. of right of collector to sue for special assessment..... 469

Return of county treasurer of delinquent taxes of 1872, prima facie as to what..... 488

On trial of personal action for tax of 1872, what to be prima facie..... 488

Delinquent list of collector prima facie as to what..... 496

Of publication of penal ordinance, how given..... 572

Ordinances printed by authority of city as.....573, 574

EXCAVATION—

Damage for leaving unguarded, in streets120, 436

Penalty for making, around sewer... 120

Made to be refilled, etc..... 134

EXECUTION—

For special assessment, how issued and levied..... 469

Issue on judgment for tax 1872..... 489

When issue from police court..... 512

EXEMPTION FROM TAXATION—

Washingtonian home property..... 365

EXEMPTIONS—

Voters from civil arrest, when..... 392

Aldermen and firemen from jury duty.....394, 517

City cemeteries, from taxation..... 409

Of property from taxation repealed 482

Police force, etc, from jury and military duty..... 510

Cemetery lots, from attachment..... 573

South park, from taxation..... 585

EXHIBITIONS, see *Shows.*

EXPRESS WAGONS—

Stand on streets..... 142

Tariff for, established..... 144

F.

F STREET—

When opened, part of Egan avenue vacated..... 158

FAIRVIEW—

Station house at, for Ill. Cent. R. R 291

FARES, RATES OF—

For vehicles of all kinds..... 139

FARO BANK—

Keeping of, prohibited..... 77

Penalty, visiting, etc..... 78

FAST DRIVING—

Penalty for..... 78

Who may arrest for..... 79

Council prevent..... 405

FEES—

Auctioneer's license..... 3

Indorsing city bonds..... 6

Impounding fee to redeem dogs.. 14, 107

Paid to impounder..... 15, 107

Chargeable by city officers..... 16

For building permit..... 18

Estimating damage to buildings..... 21

License to vend gun-powder..... 41

Of insp. of gas meters paid to city.. 65

Insp. of steam boilers..... 67

Butcher's license..... 74

Pawnbroker's license..... 91

Peddler's license..... 98

Inspector of mineral oil..... 95

Porters' and runners' license..... 103

For animal impounded..... 107

FEES, Continued—

Night scavenger license.....	114
Night scavenger for cleansing privy	115
Mayor assess license, of shows etc...	122
Liquor license.....	128
Certificate of house number.....	181
Chargeable for permits by B. of pub. works.....	184, 433, 541
Drivers license.....	139
Vehicle license.....	139
Chargeable by city weighers.....	149
Sealer of weights and measures.....	150
Inspection of fish.....	397, 398
Salaried officers pay, into treasury...	400
For licenses issued, limited.....	404
Paym't to pound keeper by, or salary	412
Land surveyors license.....	430
None to board of public works, making special assessments.....	433
Special com'r on special assessment...	454
Collectors, for distress and sale for taxes.....	484, 496
Of county treasurer for tax sales.....	488
On trial of police.....	502
Police justice relinquish, to city...	513
State's attorney, in prosecutions under health law.....	548
Clerk of court on commitment to reform school.....	566
City not liable for jail, when.....	573
County treasurer on south park moneys.....	584
Redemption from tax sale.....	622
FEMALES—	
Liquor license granted to, when.....	409
FENCE—	
Removed from street when opened...	133
FERRIES—	
Council license and regulate.....	406
FERRY & SON—	
Track on Lumber street.....	319, 324
FIFTH AVENUE, see Wells street.	
FINANCE COMMITTEE (of Council).	
With mayor prescribe manner of comptroller's accounts.....	415
With mayor decide doubtful claims...	416
Examine comptroller's annual report	417
Inspect books of treasurer.....	418
Examine treasurer's annual report...	419
Supervise accounts of collector.....	420
Compare annual reports of treasury	421
Decide controversies in treas. depart.	421
Act to borrow to pay judgment.....	423
Authorize borrow to pay interest on funded debt.....	425
Also to meet monthly payments.....	425
Authorize loan one fund to another..	425
Examine accounts Bd. of pub. works	439
Act upon employment of clerks by tax com'r.....	485
Chairman of, act on rebate of tax, when	485

FINANCES OF CITY, see also Treasury*Department.*

Council control.....	403
In charge of treasury department...	415
Treasurer to keep distinct from his own.....	418
May be deposited in bank.....	419
Not to be loaned or used.....	421
No officer receive interest on.....	438
When improvements payable from general fund.....	455
What improvements chargeable to general fund.....	455
Proportion of cost widening Michigan avenue from treasury.....	456
FINES—	
Certain, collected to be paid to treasurer.....	59
Moiety of, for nuisances to informer	85
Moiety of, for evasion of ord. relating to mineral oils to informer.....	96
Moiety of, against R. R. Co.'s to informer.....	113
In connection with prostitution to be paid, where.....	163
Certain, to be paid to erring women's refuge and house of the Good Shepherd.....	163
Limit of, power of council as to.....	413
Equivalent of, in house of correction	512
Not to be remitted, except when.....	513
Moiety of, for violation health rules, etc., to informer.....	548
Ordinance imposing, published six times.....	572
Accrued Feb. 13, 1863, continued....	572
FIRE—	
Carrying of, when prohibited.....	22
Use of, in parks prohibited.....	90
FIRE ARMS—	
Not to be fired without permission...	78
Not to be carried in parks.....	88
Council regulate use of.....	517
FIRE COMMISSIONER—	
Appointed how, duty and power of..	521
Oath—Term—Bond, etc.....	521
Limit of his powers.....	522
Vacancy, how filled.....	522
Salary, how paid.....	522
FIRE DEPARTMENT—	
Fire limits established.....	17
No building, without permit.....	18
Fee for building permit.....	18
Extension of fire limits.....	18
Construction of buildings.....	18
Prohibited use of buildings.....	20
Prohibited manufactures.....	20
Repair of wooden buildings.....	21
Sheds and privies, how built.....	21
Damage to wooden buildings how estimated.....	21

FIRE DEPARTMENT, Continued—

Penalty, violation of ordinance in relation to.....	21
Wooden building when nuisance.....	21
How stove pipes conducted into chimney.....	22
Lights and fires prohibited in stable, etc.....	22
Accumulation of shavings, etc., prohibited.....	22
Stoves in shops, how guarded.....	22
Use of candles in shops.....	22
Scattering shavings, etc., in streets..	22
Carrying fire prohibited, when.....	22
Deposit of ashes regulated.....	22
Construction of chimneys.....	22
Flues, size of.....	23
Foundations of chimneys.....	23
Chimneys in lofts.....	23
Stove pipes how to be guarded.....	23
Construction of chimneys for steam works.....	23
Deposit of hay, where prohibited....	23
Hay, etc., not to be burned, where..	24
Lumber yards prohibited, where.....	24
Hatchways, etc., closed, when.....	24
Misuse of fire apparatus prohibited	24
Destruction of buildings at fires.....	24
Limits at fires, how prescribed.....	25
Power of fire marshal at fires.....	25
Hindering firemen prohibited.....	25
Injury to fire apparatus.....	25
Disorder at fires prohibited.....	25
Speed of fire apparatus regulated....	25
Fire hose at fires, how protected....	26
Removal of property at fires.....	26
Removal of property from ruins prohibited, when.....	26
Firemen to report neglect of lamp lighters.....	63
Watchmen at engine houses to record condition of gas, etc.....	63
Fire apparatus not to enter parks unless when.....	90
May use grass of parks, when.....	91
Wrongful use of telegraph.....	102
Meddling with hydrants, penal.....	146
Benevolent association of, incorporated.....	157
Per-centage of insurance rates paid to.....	157
Order directing the payment.....	158
Engineer and assistants of, officers of city.....	385
Mayor control members when.....	394
Insurance rates to promote efficiency	474
Insurance rates as a fund for disabled men.....	475, 517, 519
Council prescribe fire limits.....	516
Powers for prevention of fire.....	516
Exemption of firemen.....	517, 519

FIRE DEPARTMENT, Continued—

Board of police control.....	517
Organization of, prescribed.....	517
Board make rules, etc., for.....	518
Board equip and firemen assist police	518
Bd. make annual estimate of expense	518
Duties of fire wardens.....	518
Investigat'n as to fires, how made	518, 521
Power of fire wardens.....	519
Salaries of members of.....	519
Board appoint and pay clerks in....	519
Salaries of marshal, etc.....	519
B'd procure apparatus and supplies	519
Bills of, how paid.....	520
Records of and report.....	520
Board regulate construction of chimneys, etc.....	520
Power of board as to unsafe buildings	520
Marshals graded.....	521
Power and duties of assist. marshals	521
Repair of apparatus.....	521
Fire commissioner to be appointed—	
Power, etc.....	521
Fire commissioner's oath and bond..	521
His salary, how paid.....	522
Limit of his action.....	522
Vacancy of fire com'r, how filled....	522
Annual report of fires.....	522
Office chief and assistant engineers abolished.....	522
FIRE LIMITS—	
Established.....	17
No building in, without permit.....	18
Proceeding to extend.....	18
Construction of buildings in.....	18
Prohibited use of buildings, etc., in.	20
Wooden buildings, how repaired, etc.	20
Sheds and privies how built.....	21
Damage to wooden, how estimated...	21
Lumber yards prohibited in.....	24
Council regulate lumber yards in....	406
B. pub. W. regulate wooden buildings in.....	433
Council may prescribe.....	516
FIRE MARSHAL AND ASSISTANTS—	
Remove or destroy buildings at fires	24
Prescribe limits at fires.....	25
Direct citizens at fires—Power to arrest.....	25
Licensed vehicles subject to, at fires..	25
Suppress disorder at fires.....	25
May command at fires.....	25
Provide hose protectors at fires.....	26
May remove property at fires.....	26
May permit holding of gun-powder received in city.....	40
Permit as to shipment of gun-powder	40
May cut grass off parks, when.....	91
Certify as to warehouse for petroleum	95
Consent to making keys of telegraph boxes.....	102

GAMBLING, see *Gaming*.

GAMES—

- Prohibited in streets..... 79
- Prohibited in parks etc..... 88

GAMES OF CHANCE—

- Playing on Sunday, misdemeanor... 76
- Gaming prohibited under penalty.... 77
- In parks prohibited..... 89
- Council prohibit..... 403

GAMING—

- Prohibited under penalty..... 77
- House prohibited under penalty..... 77
- Keeping house for, penal..... 77
- In parks prohibited..... 89
- Penalty on showmen, etc., for permitting..... 122
- In liquor shops prohibited..... 128, 409
- Council prohibit..... 409

GAMING DEVICES—

- To be seized and demolished..... 77
- Penalty for keeping or visiting place where kept..... 78
- Prohibited in parks..... 89
- Council authorize demolition..... 404, 505

GAMING-HOUSE—

- Keeping, penal offense..... 77
- Police may enter without warrant, etc. 78
- Penalty against keepers, visitors, etc..... 78
- Forcible entry, by whom and when.. 505
- Implements in, to be destroyed 505

GARBAGE—

- Notice for time of collection to be given..... 114
- To be ready for scavenger..... 114
- Penalty having, on premises after notice..... 114
- Deposit of, by sewers, etc., penal.... 121
- Collected only by day scavengers..... 181

AS—

- Test of inspector, etc., conclusive as to amount of, consumed..... 61
- Over charges for, to be refunded after inspection..... 62
- Time table for lighting to be made... 62
- Test lamps, to be examined quarterly. 62
- Test meters at engine houses..... 63
- Watchmen at engine house to report use of..... 63
- Duty of lamp lighters, etc..... 63
- Violations of rule as to lighting, lamps to be reported..... 63
- Bills for, adjusted by comptroller.... 64
- Quality of, to be tested..... 64
- Quarterly report of condition of burners, etc..... 64
- Expenses of inspector gas meters to be paid from, fund..... 65
- Penalty for tampering with..... 65
- Council levy tax to maintain..... 492

GAS COMPANY, see *Chicago Gas Light and Coke Company*, also *The People's Gas Light and Coke Company*.

- Notice of test of meters to be given to 61
- Be furnished with time table for lighting, etc., gas..... 62
- Notice of examination of test lamps to..... 62
- To notify gas inspector of time of taking state of meters..... 63
- May test guage meters, etc., quarterly..... 63
- Quality of gas furnished by, to be tested..... 64
- Penalty for tampering with lamps, etc., to defraud..... 65
- To be notified and give notice of laying pipes, drains, etc..... 120

GAS METERS, see *Inspection of*.

GAS PIPE—

- Board of public works regulate laying 432
- Proceeding, when ordered laid..... 449
- Council cause to be laid..... 452

GAUGERS—

- Officers of city..... 385
- Appointed by council, when..... 389, 406

GENERAL EXPENSES—

- Council levy tax for..... 492

GENERAL FUND—

- Part salary board of public works a charge on..... 432
- Repaving, etc., streets paid from..... 450
- When and what improvements paid from..... 455
- Constituted of tax $4\frac{1}{2}$ mills..... 471

GENERAL OFFICER TO COLLECT

TAXES, see *County Treasurer*.

GERMAN NEWSPAPER, see *Common Council*.

GIFT DISTRIBUTION—

- Prohibited at shows, etc..... 122

GIRLS—

- Reform school for, when..... 565

GOATS—

- Not permitted in parks..... 88
- At large, impounded..... 106

GOODING, WILLIAM—

- Appointed additional member of Bd. of public works, etc..... 540

GOULD BROS. AND OTHERS—

- Operate track on Beach street..... 320

GOVERNOR (of state)—

- Provide for transfer of boys from reform school to Pontiac..... 566
- Appoint park commission'rs 581, 587, 610

GRADES—

- Base of city levels established..... 27

GRADES.

ESTABLISHED—

- South division, north of 22d street.. 29
- S. div. S. of 22d and E. of Halsted.. 80

GRADES.**ESTABLISHED, Continued—**

W. division in N $\frac{1}{4}$, 8, 39, 14 and in W. $\frac{1}{4}$, N. W. $\frac{1}{4}$, 9, 39, 14.....	31
W. division, south of 12th street.....	32
W. division, Kinzie to 12th street.....	33
N. division, between North avenue and North Water street.....	35
North of North avenue.....	37
To be straight lines, except where...	38
Inclination of sidewalks.....	38
Of sidewalks to be fixed by council..	123
At railroad tunnels for Lake, Ran- dolph and Madison streets.....	311
Establishment, change, etc. of, how applied for.....	441

GRAND AVENUE—

Established.....	590
------------------	-----

GREASE—

Collectors of, to cover contents of wagon.....	182
---	-----

GREEN BAY ROAD—

N. Chi. R. W. Co. lay track in.....	198
-------------------------------------	-----

GRISWOLD STREET—

Pac. & Atl. Tel. Co. poles in.....	354
------------------------------------	-----

GROCERY—

Exhibition not to be given in.....	123
Not to be entrance to exhibition.....	123
Penalty selling liquor without license	129
Where minors drink etc., disorderly house.....	129
Council license as to sale of liquor...	403
Council suppress disorderly.....	404
Compel removal of nuisance from....	404

GROUNDS—

Council may fill up etc.....	408
------------------------------	-----

GROVE STREET—

Joliet & Chicago R. R. may lay track in	253
Required to macadamize.....	255
Chi. & Ca. South. etc. R. R. track in	258
Jas. H. Laughlin lay track in.....	321
W. H. Swett & Co. lay track across..	327

**GUAGE METERS, see Gas, also Test
meters.****GUARDIANS—**

Place children in reform school— When.....	565
---	-----

**GUARDIAN OF REFORM SCHOOL,
see Board of guardians etc.****GUN-COTTON, see Gun-powder.****GUN-POWDER AND GUN-COTTON—**

Vendor, to be licensed.....	38
How license granted and conditions..	38
Storage of, regulated.....	39
Magazines prohibited where.....	39
Manner of carriage of, prescribed...	39
Received in city, how disposed of....	39
Shipment of, regulated.....	40
Vehicles carrying, have sign and not to stand.....	40

GUN-POWDER AND GUN-COTTON,**Continued—**

Penalties for violating ordinance.....	40
Discharge of, from vessels, where prohibited.....	40
Council regulate storing of.....	404, 410
Also conveyance of.....	405
Prohibit storing within one mile of limits.....	411
GUT FAT— Not to be brought to market, when..	73
GUTTERS— Board of public works arrange and alter.....	533

H.**HACKMAN—**

Penalty, not aiding police.....	101
Penalty refusing to obey police.....	101
Council license, etc.....	403

HACKNEY COACH—

Fare for, not to be solicited by porters or runners.....	104
To be licensed.....	137
Have sign painted.....	137
Light at night.....	138
Driver, not owner, to be licensed....	138
Driver wear badge.....	138
Fee for license.....	139
Driver to exhibit card to passenger..	140
Stand for, established.....	141
Drivers stand by, when.....	142
Driver, not act as porter.....	143
Must take passenger; over-charge forbidden.....	144
Rates of fare to be posted in.....	144

HACK STAND—

Established.....	144
At Wells street depot on Kinzie st..	144

HALL—

Council provide for egress from.....	
--------------------------------------	--

HALSTED STREET—

Chi. City Railway Co. track in.....	
Substituted for N. Desplaines street	
Track south from Harrison street	
Track north from Milwaukee av	
Chi. & Evanston R. R. Co. track	
C. & R. I. R. R. track east of.	
Col., Chi. & Ind. Central buil duct on.....	
Pac. & Atlantic Tel. Co. pole	
Viaduct to be built on, over tracks.....	

HARBOR—

Use of, directed by harbor Proceed'g when vessel	
Not to be obstructed	
Rules for navigating	
Deposit of earth, etc.	

HARBOR, Continued—

Penalty for injury to dredges, etc., in	45
Deposit of offensive matter in, prohibited.....	50
Appropriation for its improvement...	177
Extension of north pier ordered.....	178
Excess of appropriation for, how expended.....	178
Lake shore frontage to Ill. C. R. R. Co.	290
Same repealed.....	616
Council to preserve, etc.....	407
Defined.....	407
Work on, without contract, when.....	435
Proceeding when dock lines ordered changed.....	449
Council change dock lines on.....	452
Insurance rates for.....	475
Council levy tax to improve.....	471, 492
Vessels in, inspected as to disease...	545
Vessels in, with infectious disease to quarantine.....	546

HARBOR-MASTER—

Enforce bridge ordinances.....	8
Remove vessel carrying gun-powder, etc.....	40
Keep office—Duty as to river.....	41
Keep record and make semi-annual report.....	41
Direct use of harbor.....	42
Pay over all moneys collected.....	43
A special policeman.....	45
Not allow canal boats in parts of river	338
Officer of city.....	385
Appointed and removed by board of public works.....	389
His duties.....	396
Council make certain regulations through.....	407

HARRISON STREET—

Chi. City R'y Co. lay track in.....	195
Right on, released.....	205
Pittsburg, Fort Wayne & Chi. R. R. extend to.....	308

HARVEY, T. W.—

Operate track across 22d street.....	320
--------------------------------------	-----

HATCHWAYS—

To be closed when.....	24
------------------------	----

HAWKERS, see also Peddlers—

Council license.....	403
----------------------	-----

HAWTHORNE STREET (Avenue)—

Chi. & Evanston R. R. Co. track in..	231
Chi. & Pacific R. R. Co. track in....	277
Northern R. R. track in.....	293

HAY—

Deposit of, where prohibited.....	23
Not to be burned, where.....	24
Bale hay weighed and stamped.....	47
Only to be sold at markets, and after weighed.....	46, 47
Hay stands, established.....	47
Council regulate sale of.....	406

HAY STANDS—

Established.....	47
------------------	----

HEALEY SLOUGH—

Declared a nuisance.....	334
To be dredged.....	335
Railroad bridge over, declared a nuisance.....	337

HEALTH—

Council abate nuisance to preserve...	408
Insurance rates to promote.....	475

HEALTH DEPARTMENT, see also Board of Health—

Board of health to prevent spread of small-pox.....	48
Provide free vaccination, when.....	48
Abate nuisances.....	49
Remove patients with infectious diseases.....	49, 184
Give notice of small-pox.....	49
Supply city hospitals.....	50
(Offensive matter in streets, lake and river prohibited.....	50
Physicians report infectious disease.	50
Householders " " "	50
Duties of city physician.....	51
Establishment of quarantine.....	51
Effect of establishment.....	52
Regulations of quarantine to be enforced.....	53, 54
Power to stop and hold at quarantine	53
Physicians to enforce Q. regulations.	53
How quarantine physicians, etc., are appointed.....	53
Reports as to use of quarantine fund	54
Penalties for violation of chapter....	54
Permit required before cleaning privy vaults.....	179
Same before removing swill.....	179
Same before constructing privy vaults	179
Births and deaths to be registered...	179
Register of births and deaths to be returned.....	180
Coroner to return inquests.....	180
Interments, none without permit....	180
Physicians to register with.....	180
Unwholesome vegetables, etc., to be condemned	180
Privy vaults to be disinfected before cleaning	180
Day scavengers collect garbage, etc..	181
Children in schools to be vaccinated	181
Unsound meat, etc., not to be sold...	181
Diseased animals not to be slaughtered.....	181
Unwholesome provisions not to be sold.....	181
Manner of carrying meat.....	181
Manner of carrying bones, etc.....	182
Manner of carrying dead animals...	182
Sale of kerosene regulated.....	183

HORSE RAILWAYS, Continued—

Power in companies to hold property, etc.....	222
Night cars on Milwaukee ave. track	222
Night cars on Blue Island ave. track	222
Time to start cars of W. Div. Co.....	222
Extension of track on Clark street...	223
Dummy allowed to clear snow,.....	224
Right of N. Chi. Co. lay track on Lincoln avenue.....	224
Construction of ordinance by council	225
Extension of time to build on Indiana avenue.....	225
Double track allowed on.....	226
Authority to lay track on West Van Buren street.....	227
Connection of north and south authorized.....	227
Authority, temporarily to take up track in Wells street (Fifth Ave)....	228
Extension of time to lay track on Van Buren street.....	228
Chi. & Evanston R. R. Co. incorporated.....	229
Location of Chi. & Evanston road...	230
Permission to lay tracks given.....	231
May build bridge at La Salle street..	233
Ordinance concerning Chi. & Evanston R. R. confirmed.....	234
Ft. Wayne & Chi. R. R. Co. may operate	302
Council authorize to use streets, when	411
May allow use of dummies, when	412, 413
HOSPITAL, see City hospital—	
Small pox patients, removal to.....	184
Keepers of, city officers.....	385
Council may erect and control.....	408
B. of pub. W. have charge of.....	432
HOTEL—	
Keeper of, liable for porter or runner	103
Porter or runner for, to be licensed	103
To be notified when garbage wagon call	114
Hacks may stand in front of, when..	141
HOUSE OF CORRECTION, see also Board of inspectors—	
Established—Its limits stated.....	57
Superintendent to control.....	58
Who may be received into.....	58
Conduct of inmates prescribed.....	58
Resisting superintendent—Penalty..	58
Duplicates of commitments to, to comptroller.....	58
Fines of persons committed to, paid to treasurer.....	59
How prisoners discharged.....	59, 513
Inmates cleanse school houses.....	118
Contract for gas for.....	177
Authority to purchase ground for.....	235, 236, 406, 408, 412

HOUSE OF CORRECTION, Continued—

Plans for, to be prepared.....	235
Issue of bonds for.....	236, 237
Proposals to build to be received....	236
Channel to be dredged and docked.....	237, 238
Construction of shops and wall authorized.....	238
Gas works to be contracted for.....	238
Authority to receive county offenders	239
Authority of Cook county to contract	239
Contract of city and county to receive offenders.....	239
When parties sentenced to, may be committed to Washingtonian home	365
Keeper and assistants city officers....	385
Keeper elected by council annually..	389
City physician attend sick in.....	398
Council establish, etc.....	406, 568
Vagrants, etc., imprisoned in....	406, 408
Council sell ground heretofore bought for.....	412
Adopt rules to govern.....	412
Superintendent house of correction keep accounts, etc.....	412
Bonds authorized for.....	424
Council levy tax to erect.....	471, 492
Persons imprisoned, when.....	512
Inspectors, how appointed, etc.....	568
Inspectors adopt rules and fix salaries	568
Inspectors duties—No compensation	568
Books and accounts to be kept.....	569
Reports and removal of officers.....	569
Power and duties of superintendent.	569
May agree with counties as to convicts	569
Transportation of convicts to.....	570
Houses of shelter authorized.....	570
Expenses of, how paid.....	571
U. S. convicts received when.....	571
Name of bridewell changed	571
Salary of sup't and record of discipline	571
Oath of office and bonds.....	571
Criminal court, etc. may sentence to	573
HOUSE OF ILL FAME, ETC., see Brothel.—	
Fines collected from, etc. to be paid over, etc.....	163
Council suppress.....	404
HOUSE OF REFUGE—	
City physician attend sick in.....	398
Council may procure property for...	408
HOUSE OF SHELTER—	
May be established for females.....	570
HOUSE OF THE GOOD SHEPHERD—	
Certain fines paid to.....	163
How to be drawn.....	163
To make annual report.....	163
HYDRANTS, PUBLIC—	
Meddling with, penal.....	146
Injuring, penal.....	146
Council regulate.....	406
Board of public works construct....	523

- INSPECTOR OF GAS METERS, *Cont'd*—**
 Additional, may be appointed, when 65
 District of, assigned how..... 65
 Comptroller to furnish apparatus, etc 65
 Pay fees received to treasury 65
- INSPECTOR OF MINERAL OILS—**
 To be appointed—Who qualified—
 Duty 95
 His fees—Deputies..... 95
 Bond and oath..... 96
 Penalty for dealing in oils..... 96
 To deliver certificate of inspection... 96
- INSPECTOR OF STEAM BOILERS—**
 Appointed by common council..... 66
 Who qualified..... 66
 Duties of..... 66, 67
 Apparatus to be furnished by city... 67
 To inspect city boilers, etc., free.... 67
 To report quarterly..... 67
 Fees he may charge..... 67
 Oath—Bond and office..... 67
 Penalty for bribery by..... 68
- INSPECTORS—**
 Officers of city..... 385
 Appointed by council, when..... 389, 406
- INSPECTORS OF ELECTION—**
 Officers of city..... 385
 Take oath of office..... 391
 Penalty violating rules of election... 391
 Appointed by Com'rs Cook Co..... 576
- INSPECTORS OF SIDE-WALKS—**
 Report neglect of railway companies
 to repair streets, etc..... 56
- INSURANCE COMPANIES—**
 Tax on premiums..... 474
 How property, after Apr. 1, assessed 481
- INSURANCE RATES—**
 Part of to benevolent association..... 157
 Part of as fund to disabled firemen.. 517
- INTELLIGENCE OFFICES—**
 Keepers, to be licensed..... 68
 Who may obtain license..... 68
 Penalty for violation of ord. as to.... 69
- INTERMENTS—**
 Intra-mural prohibited..... 9
 Of corpses at hospitals regulated.... 50
 None without permit..... 180
 Prohibited in Chicago cemetery..... 248
 Council regulate..... 406
 May purchase cemetery..... 409
 May prohibit intra-mural..... 410
- INTOXICATION—**
 In public, a misdemeanor..... 77
- IRA JUDD TRACT—**
 Exchange of authorized..... 249
- J.
- JACKSON STREET—**
 Preserved from railways..... 207
- JACKSON STREET, *Continued*—**
 Covenant of companies as to..... 208
 Pac. & Atl. Tel. Co. poles in..... 354
- JAIL—**
 County, not to be used as lock up
 except when..... 625
- JEFFERSON STREET—**
 Railway track in..... 216
 C. & Milw. R. R. Co. lay track in.... 269
 Part of vacated for railroad use..... 271
- JEFFERSON (TOWN OF)—**
 Land of not taken for park, etc..... 594
- JEWELRY—**
 Auction sales of regulated..... 4
- JONATHAN BURR FUND—**
 Investment of, in city bonds..... 845, 846
 Bonds in lieu of bonds destroyed.... 847
- JONES AVENUE—**
 C. & Pac. R. R. Co. may lay track in 277
 C. & Evanston R. R. Co. connection
 and track in..... 280
 Northern R. R. track in..... 293
- JONES FUND FOR BENEFIT OF JONES
SCHOOL—**
 Appropriated..... 117
- JUDGE—**
 Citizen of Chi. not disqualified as.... 578
- JUDGMENT—**
 Form of, against concealed weapon.. 13
 Form of against impounded animals 108
 Damages at buildings conclusive as
 to what..... 436, 437
 On appeal from confirmation of as-
 sessment..... 446
 In case of local improvement..... 460
 Condemnation of property follow
 final..... 461
 For possession rendered, when..... 461
 By default for assessment, when.... 465
 Effect of, in special assessments..... 465
 Proceeding to, in suit for special as-
 sessments..... 469
 Council levy tax to pay, when..... 492
 Interest on, for debts due school
 fund..... 553
 On appraisal of north park lands,
 effect of..... 598
 For or against annexation of terri-
 tory..... 618
 County treasurer apply for, on delin-
 quent tax list..... 620
- JULY 4—**
 Appropriation for, authorized..... 410
- JUNK DEALERS—**
 Definition of phrase..... 69
 To be licensed..... 69
 Who may receive license..... 69
 To keep record of purchases..... 70
 When boat used, to have sign..... 70
 Record, etc., subject to inspection... 70
 Not to purchase of minors..... 70

- JUNK SHOPS—**
 Council tax and license..... 403
- JURISDICTION—**
 Circuit court of charges vs. board of public works or police..... 389
 Council to try officers..... 390
 General of council..... 403
 Of council over river as to nuisances 404
 Of council as to quarantine..... 406
 Of courts as to nuisances reserved... 406
 Of city as to storing gun-powder.... 411
 Of city as to slaughtering..... 413
 Of courts, how obtained in cases of local improvement..... 460
 Of county court to assess cost of improvement..... 462
 Any court of record of suit for special assessments..... 469
 Of county court as to tax of 1872.... 487
 Of county court of general tax..... 497
 Of appeal from board of police..... 502
 Of police justices..... 512
 Of board of police to investigate cause of fire..... 521
 Of board of health as to quarantine.. 546
 Of city as to removal of dead animals, etc..... 547
 As to rendering animal matter..... 547
 Of courts of record as to mendicant child..... 563, 566
 Of circuit court to remove south park commissioner..... 584
 Any court of record to condemn for parks..... 608
 County court, of park assessments... 614
 Common council to act upon petition to annex territory..... 617
 Circuit court as to annexation of territory..... 617
 Circuit court as to vacation of streets or wharfing privileges..... 629
 Supreme court as to same..... 680
- JUROR—**
 Citizens of Chi. not disqualified as... 573
- JURY—**
 Empaneled in cases of local improvement..... 460
 Members of police force exempt..... 517
 Aldermen and firemen exempt..... 517
 In cases, condemnation for parks.... 608
 Pass on damages for park drives.... 610
- JURY TRIAL—**
 Allowed in cases of impounded animal..... 108
- JUSTICE OF PEACE, see also Police Court—**
 Proceeding in relation to carrying concealed weapons..... 11
 Proceeding before, against impounded animal..... 109
 P'ound notice to be given by..... 107
- JUSTICE OF PEACE, Continued—**
 Docket entry against impounded animal.....
 Order of, in case of such animal
 Form of judgment against such animal.....
 Duty as to commitments to be correction.....
 Citizen of Chi. not disqualified
- K.**
- KEEPER OF WORK-HOUSE, see of Correction—**
 And assistants, officers of city
- KENO TABLE—**
 Keeping of, prohibited.....
 Penalty, visiting place where
- KEROSENE—**
 Notice on package sold.....
- KINGSBURY STREET—**
 Northern railroad track in.....
- KINZIE STREET—**
 Hack, etc. stand at R. R. dep't
 Chi. & N. W. R'y enter city on
 Chi. & Milw. R'y Co. lay track
 Chi. & R. I. extend tracks to...
 Chi. & G. Eastern R'y Co. lay tr
 Also build sewer in.....
 Col., Chi. & Ind. Cent. R. R. tra
 P., Ft. W. & Chi. and other Co
 track south of.....
- KITE-FLYING—**
 In streets, etc. prohibited.....
 Council prevent in streets.....
- L.**
- LAKE BASIN—**
 Authority to Ill. Cent. R. R. to fill in.....
- LAKE FRONT, see Lake Park—**
 Encroachments on, forbidden...
- LAKE MICHIGAN—**
 Bathing in, prohibited where..
 Offal, etc., not to be buried near
 Nor discharged into.....
 Bathing or fishing in, open
 parks prohibited.....
 Animals not to be driven in,
 water works.....
 North pier extended into.....
 Drive on shore of.....
 Right of way on shore, to
 View avenue company.....
 Ill. Cent. R. R. to enter city
 shore, etc.....
 Strip of land on shore released
 city.....

LAKE MICHIGAN, Continued—

Same repealed.....	616
Tunnel under, authorized.....	356
Water supply from.....	523, 524
City may extend aqueducts into and erect piers in.....	525
Board of public works lay drains into	532
And may connect with river.....	532

LAKE PARK—

Encroachment on prohibited.....	287, 456
Grant for railroad uses.....	290
Same repealed.....	616

LAKE SHORE DRIVE—

Board of public works mark out.....	240
And open street to connect with.....	240

LAKE STREET—

Chi. C. R'y Co. lay track in.....	194
Right on West, to Desplaines released	205
East of Peck street, preserved from railways.....	207
Release of companies on.....	208
Chi., St. Charles & Mississippi Air Line R. R. may build tracks, etc. north of.....	250
Ill. Cent. R. R. Co. extend track to..	286
Col., Chi. & Ind. Cent. build viaduct on	298
P., Ft. W. & C. R. R. Co. lay temporary track.....	308
Not to be closed by park com'rs.....	592

LAKE TUNNEL—

Authorized.....	356
Bonds to be issued.....	356, 357
New engine to connect with.....	366

LAKE VIEW AVENUE CO.—

Certificate of incorporation—Objects	241
Additional powers granted.....	242
Common council regulate tolls.....	242
Right of way granted on conditions	243
Only one toll-gate in city.....	243
B'd of public works to approve road	243
Not to obstruct streets.....	243
To keep road in repair—Right of city to re-enter.....	244
Duration of franchise.....	244
Rate of toll limited.....	244
Right of way repealed.....	244

LAMP LIGHTERS—

Duty of, as to lighting lamps.....	63
------------------------------------	----

LAMP-POSTS, see also *Lamps* and *Street Lamps*—

Council erect.....	406, 440, 452
Board of public works in charge of..	432
Applications for, how made.....	441
Cost of, on improved streets by assessment.....	448
Proceeding when ordered erected....	449

LAMPS, see *Street Lamps*—

Post office depart. may affix boxes	71
Penalty for tampering with boxes on	71
Penalty for injuring.....	71
Street signs placed on.....	132

LANDINGS, CANAL AND STEAM-BOAT—

Penalty refusal to obey police at.....	101
Porters and runners at, deliver cards	104

LANDLORD—

Penalty, of house of ill-fame, etc....	70
--	----

LARABEE STREET—

Railway tracks in, by North Chi. R'y Co.....	214
Chicago and Evanston lay track in....	231
Northern railroad track in.....	298

LARD—

Condensers, etc., to be used in rendering.....	547
--	-----

LA SALLE STREET—

Chi. & Evanston R. R. Co. lay track in.....	231
May build bridge at.....	233
Pacific & Atlantic telegraph polls in	354

LA SALLE STREET TUNNEL—

Authorized.....	357
Issue of bonds for.....	357, 358

LAUGHLIN, JAS. H.—

Operate track across Grove street....	321
---------------------------------------	-----

LEWDNESS—

Indecent exposure, a misdemeanor...	76
-------------------------------------	----

LIBRARIAN—

And assistants, how appointed and paid.....	559
---	-----

LIBRARY—

Council establish and tax for.....	160, 558
Directors, how appointed, etc...161,	558
Term of office and vacancies.....	161, 558
Organization of directors.....	161, 558
Library, etc., to be free.....	161, 559
Directors annual report.....	161, 559
Council impose penalties for offenses.....	161, 559
Donations to, how to vest.....	162, 559
Chicago public, established.....	162
Rooms, how set apart.....	162

LIBRARY FUND—

Raised by tax.....	160
Directors of library control.....	558
Kept separate and how drawn.....	558

LICENSE—

Auctioneer to obtain—Cost of.....	3
When same expire.....	4
When same may be revoked.....	4
Who may sell under same.....	5
Vendors of gunpowder, etc., to obtain	38
Same, how granted.....	38
Same to be registered.....	39
Conditions of selling under same....	39
Same when to expire.....	41
Who may not receive such license...	41
Keepers of intelligence office to have	68
Who may be so licensed.....	68
Conditions of such license.....	69
Required for junk dealers and dealers in second-hand goods.....	69

LICENSE, Continued—

Who may receive junk dealers', etc..	69
Cost and conditions of junk dealers'	69
Expiration of	70
All licenses subject to ordinances passed	71
How transferable.....	72
Only available to person named in...	72
Only issue for one year.....	72
To be signed by mayor and counter-signed.....	72
Fees for all licenses to be paid to city collector	72
Not to issue until after payment.....	72
Issue of license before action under it.....	72
Penalty for default on license register.....	72
Vendors of fresh meat to take out...	73
Butcher's, issued by mayor and when to expire.....	74
Fee for butchers.....	74
Liquor dealers', revoked for selling to minors, etc.....	76
Issue, to keep billiard tables, alleys, etc.....	77
Same revocable, when.....	77
Of person permitting gaming, etc., revoked.....	78
To carry on slaughtering, distilling or rendering.....	82
Pawnbrokers to procure and who receive.....	91
When same expire.....	92
Pawnbrokers,' revoked for dealing with minor.....	92
Peddlers to take out.....	93
To be taken out for storage of petroleum, etc.....	95
Plumbers to take out.....	96
Of drivers of vehicles refusing to aid police to be revoked.....	101
Mayor's police to guard against sale without.....	101
Porters and runners, to whom and how issued.....	103
May be revoked by keeper of hotel, etc	103
Porters, etc. revocable by mayor.....	106
Night scavengers to take out.....	114
Shows, theaters, etc. to take out.....	122
Conditions and restrictions, of same.	122
Showmen's revocable by council.....	122
Vendor of liquor, etc. take out.....	128
Who may receive.....	128
When such, expire and when transferable.....	128
Same may be revoked.....	128
To be revoked of disorderly house...	129
Vehicles for hire to have and who take.....	137
Transfer of same.....	137

LICENSE, Continued—

Vehicle, to be registered.....	137
Driver of vehicle, not owner, to take.....	138
Transfer of the same.....	138
The same forfeited when.....	143
Per centage of fee of liquor, to Washingtonian home.....	365
Powers of council to, certain pursuits	403
Council authorize issuing of.....	404
Conditions as to issue of.....	404
To sell liquor only to persons in possession.....	409
Committee on (of council) act on application of females to sell liquor.....	409
Revocation of, and on what conditions re-issued.....	409
Land surveyors, how granted and revoked.....	430
LICENSEE—	
May transfer license under conditions.....	72
LIEN—	
When contractor has none on city...	434
Judgment for special assessment a...	465
Of special assessment on realty.....	469
Tax a, on personal property from May 1.....	481, 482, 484, 495
Tax on real estate, until paid....	481, 489
Of water rates.....	526, 528
Of money expended by city to deepen canal.....	541, 542, 577
Of west park assessment.....	589
Of park benefits discharged, how....	605
Of special assessment for parks.....	609
LIENS ESTABLISHED—	
Penalties under chapter "Harbors"	42, 45
LIFE BOAT—	
In custody of harbor master.....	42
House to be built for	245
LINCOLN AVENUE—	
Authority to lay track in.....	224
Construction of ordinance	225
LINCOLN PARK—	
When to be open.....	89
Land added to.....	457
Boundaries established.....	596, 601
Fund for, raised by bonds	599
LINDEN STREET—	
Railway track in.....	213
LIQUOR, INTOXICATING—	
Sale of, on Sunday prohibited.....	76
Sale of, to minors a misdemeanor....	76
LITTLE FORT ROAD—	
Railway track in.....	213
LIVERY STABLE KEEPER—	
Penalty letting offal, etc., flow.....	83
Penalty for offensive premises.....	84
Not licensed for ordinary business...	137

OAN—	
Of school fund, how.....	552, 556
OANS, TEMPORARY—	
When to become due... ..	426
Authorized to pay interest on water loan bonds, when.....	530
For sewerage.....	535
Authorized for interest on sewerage bonds, etc., when.....	537
For tunnels, when.....	539
In case of pestilence, etc.....	544
Board of education and council make, for schools.....	555
W. Chi. park com's make, when.....	595
Park commissioners may make.....	602
OCAL IMPROVEMENTS, see Special Assessments for.	
OCOMOTIVE ENGINE—	
Speed of, limited.....	110
Not to stop on street crossing....	110, 112
At night to carry light, etc.....	111
Not to use whistle, except when.....	111
To ring bell in city.....	111
Council regulate use of.....	406
OTTERY—	
Prohibited at shows, etc.....	122
UMBER—	
Loading of, in cars, not to obstruct street.....	111
Council regulate location of.....	406
Regulate inspection of, etc.....	406
May prohibit piling of, in city.....	413
UMBER STREET—	
Chi., B. & Q. R. R. tracks in.....	267
P., Ft. W. & Chi. R. R. track in.....	312
Ferry & Son, track in.....	318
Salt Co. of Onondago, track in.....	324
A. Dalton, track in.....	324
E. H. and S. I. Turner, track in.....	329
UMBER YARDS—	
Prohibited where.....	24
Preference between, by Chi., B. & Q. R. R. Co. prohibited.....	266
Council regulate location of.....	406

M.

ADISON STREET—	
Base line for numbering east and west streets.....	131
R'y track in, allowed.....	188, 193
Chi., St Chas. & Miss. Air Line R. R. build tracks and depot south of	250
Col., Chi. & Ind. Cent. R'y Co. build viaduct on.....	298
P., Ft. W. & Chi. lay temp'y track in	308
Not to be closed by park com'rs.....	592
ANUFACTORIES—	
Council regulate construction, etc....	517
B. of police regulate construction, etc.	520

MANUFACTURES—	
Certain, prohibited in fire limits.....	20
MAP—	
Adopted for names of streets, etc....	88
MARKETS—	
Vendor of meats requires license—	
Exceptions, etc.....	73
Penalty for exposing unwholesome meat in.....	73
Fat, etc., not to be exposed in.....	74
Meat to be weighed before sale at....	74
Mayor issue license to keep.....	74
When license expire.....	74
Cleanliness and inspection of.....	74
Penalty for placing filth about.....	74
Disposition of offal, etc., about.....	74
To be closed on Sunday.....	74
Council establish and regulate.....	404
Board of public works in charge of...	432
Council may levy tax to construct....	471, 492
MARKET STREET—	
Chicago City R'y Co. track in.....	195
Chi. & R. I. R. R. extend track in...	281
Illinois Cen'l R. R. extend track to.....	285
L. Newberry & Co. lay track in.....	323
Stand for truck wagons, etc., on....	142
MASON, ROSWELL B.—	
Appointed additional member board of public works.....	540
MAXWELL STREET—	
Munn & Scott, track across.....	323
MAYOR—	
Issue auctioneer's license.....	3
Approve auctioneer's bond.....	4
May revoke or transfer auctioneer's license.....	4
To revoke auctioneer's license, when.	4, 5
Proclamation to muzzle dogs.....	15
Enforce fire ordinances.....	26
Issue license to sell gunpowder, etc.	38
Remove vessel carrying gunpowder.	40
Direct manner of selling hay at stands	47
Discharge prisoners from H. of Corr.	59
Appoint and remove inspector of gas meters.....	61
Report removal of insp. of gas meters	61
Appoint substitute for gas insp, when	63
Act upon bond of insp. of gas meters	65
May appoint additional inspector of gas, etc.....	65
Act to assign district for additional inspector of gas, etc.....	65
Approve bond of inspector of steam boilers.....	68
Grant license to keep intelligence office.....	68
Grant license to junk dealers, etc....	69
May inspect junk dealers, etc. record	70
May revoke junk dealers, etc. license	70
May revoke license of any licensee..	72

GRADES.

ESTABLISHED, Continued—

W. division in N $\frac{1}{4}$, 8, 89, 14 and in W. $\frac{1}{4}$, N. W. $\frac{1}{4}$, 9, 89, 14.....	81
W. division, south of 12th street.....	82
W. division, Kinzie to 12th street.....	83
N. division, between North avenue and North Water street.....	85
North of North avenue.....	87
To be straight lines, except where...	88
Inclination of sidewalks.....	88
Of sidewalks to be fixed by council..	123
At railroad tunnels for Lake, Ran- dolph and Madison streets.....	311
Establishment, change, etc. of, how applied for.....	441

GRAND AVENUE—

Established.....	590
------------------	-----

GREASE—

Collectors of, to cover contents of wagon.....	182
---	-----

GREEN BAY ROAD—

N. Chi. R. W. Co. lay track in.....	198
-------------------------------------	-----

GRISWOLD STREET—

Pac. & Atl. Tel. Co. poles in.....	354
------------------------------------	-----

GROCERY—

Exhibition not to be given in.....	123
Not to be entrance to exhibition.....	123
Penalty selling liquor without license	129
Where minors drink etc., disorderly house.....	129
Council license as to sale of liquor...	403
Council suppress disorderly.....	404
Compel removal of nuisance from....	404

GROUNDS—

Council may fill up etc.....	408
------------------------------	-----

GROVE STREET—

Joliet & Chicago R. R. may lay track in	253
Required to macadamize.....	255
Chi. & Ca. South. etc. R. R. track in	258
Jas. H. Laughlin lay track in.....	321
W. H. Swett & Co. lay track across..	327

GUAGE METERS, see *Gas*, also *Test
meters*.

GUARDIANS—

Place children in reform school— When.....	565
---	-----

GUARDIAN OF REFORM SCHOOL,
see *Board of guardians etc.*GUN-COTTON, see *Gun-powder*.

GUN-POWDER AND GUN-COTTON—

Vendor, to be licensed.....	38
How license granted and conditions..	38
Storage of, regulated.....	39
Magazines prohibited where.....	39
Manner of carriage of, prescribed...	39
Received in city, how disposed of...	39
Shipment of, regulated.....	40
Vehicles carrying, have sign and not to stand.....	40

GUN-POWDER AND GUN-COTTON,

Continued—

Penalties for violating ordinance.....	40
Discharge of, from vessels, where prohibited.....	40
Council regulate storing of.....	404, 410
Also conveyance of.....	405
Prohibit storing within one mile of limits.....	411
GUT FAT— Not to be brought to market, when..	73
GUTTERS— Board of public works arrange and alter.....	533

H.

HACKMAN—

Penalty, not aiding police.....	101
Penalty refusing to obey police.....	101
Council license, etc.....	403

HACKNEY COACH—

Fare for, not to be solicited by porters or runners.....	104
To be licensed.....	137
Have sign painted.....	137
Light at night.....	138
Driver, not owner, to be licensed....	138
Driver wear badge.....	138
Fee for license.....	139
Driver to exhibit card to passenger..	140
Stand for, established.....	141
Drivers stand by, when.....	142
Driver, not act as porter.....	143
Must take passenger; over-charge forbidden.....	144
Rates of fare to be posted in.....	144

HACK STAND—

Established.....	141
At Wells street depot on Kinzie st...	142

HALL—

Council provide for egress from.....	411
--------------------------------------	-----

HALSTED STREET—

Chi. City Railway Co. track in.....	204
Substituted for N. Desplaines street..	210
Track south from Harrison street....	216
Track north from Milwaukee ave....	216
Chi. & Evanston R. R. Co. track in..	231
C. & R. I. R. R. track east of.....	280
Col., Chi. & Ind. Central build via- duct on.....	298
Pac. & Atlantic Tel. Co. poles in.....	354
Viaduct to be built on, over railroad tracks.....	36

HARBOR—

Use of, directed by harbor master...
Proceed'g when vessel adrift, etc., in
Not to be obstructed.....
Rules for navigating.....
Deposit of earth, etc., in, prohibi

I.		INSPECTION OF GAS METERS, <i>Cont'd</i>—	
ICE—		Insp. to supervise lamps and burners	64
Cutting, in river regulated.....	79	Mayor may appoint additional in-	
To be removed from sidewalk.....	127	spectors.....	65
Council regulate cutting and sale....	408	Fees received for, to city.....	65
ILLEGAL VOTING—		INSPECTION OF MINERAL OILS—	
Penalty for.....	392	Test to be applied in.....	94
ILLINOIS, STATE OF—		To be by inspector.....	95
May relieve city's lien on canal.....	542	Certificate of, to the owner.....	96
Act relieving lien on canal.....	577	Register of, to be kept open to public	96
ILLUMINATING OIL—		INSPECTION OF STEAM BOILERS—	
Notice on packages sold.....	183	To be by inspector.....	66
IMPRISONMENT—		Test to be applied.....	66
Limit of, as a penalty.....	418	Registry to be kept of.....	66
INDECENT BOOKS, ETC.—		To be annually made.....	67
Exposing or selling a misdemeanor... 76		To include repairs.....	67
Sale and exposure of, penal.....	81	Fee for.....	67
INDECENT EXHIBITION—		Facilities for, furnished by owners... 68	
Council prevent.....	405	Council regulate.....	410
INDECENT EXPOSURE—		INSPECTION OF STEAM ENGINES	
Of person, a misdemeanor.....	76	ETC.—	
INDIANA AVENUE—		Council regulate.....	410
Chi. City R'y Co. lay track in.....	195	INSPECTOR OF FISH—	
Extension of time to construct.....	225	Interference with, prohibited.....	59
Double track allowed in.....	226	Unlawfully representing to be—	
INDIANA STREET—		Penalty.....	60
Railway track in.....	216	Compensation of..... 60, 396, 398	
INFORMATION—		Brand fish inspected.....	60
States attorney file, as to nuisances... 549		Officer of city.....	385
INFORMER—		Appointed by council, when.....	389
Moiety of fine to, in case of nuisance.. 85		Duty of—Fees—Bond.....	396
Moiety of fine to, ordinances relating		May appoint and remove deputies... 397	
to mineral oils.....	96	Penalty for violation of law govern-	
Moiety of, on conviction against rail-		ing.....	397
road company, when.....	112	Liability of.....	397
Receive moiety of fine for violation		INSPECTOR OF GAS METERS—	
of health laws.....	548	Appointed or removed by mayor,	
INJUNCTION—		when.....	61
Against rendering, when to issue.... 549		For what causes to be removed.....	61
INSANE PERSON—		Duties.....61, 62	
Proceeding to condemn land, etc.,		Give notice of test to be made.....	61
of.....461, 524, 533, 538		His fee, how paid.....	62
INSPECTION OF FISH—		Give certificate of results.....	62
Only by authorized inspectors.....59, 396		Receive time table for lighting, etc.,	
Interference with, prohibited.....	59	public lamps.....	62
Unlawfully acting, how punished.....	60	Take state of test and gauge meters	
Compensation for.....60, 396, 398		monthly.....	63
To be had before sale of fresh water		Who to act for, in absence of.....	63
fish.....	60	Keep key of test-meters.....	63
INSPECTION OF GAS METERS—		Receive and file monthly report from	
How inspector appointed and re-		watchmen at engine houses.....	63
moved.....	61	Report state of city test-lamps.....	64
Inspector to make, on request.....	61	Supervise lamps, etc.....	64
Conclusive as to gas consumed.....	61	Keep office in city hall.....	64
Arrearages to be paid before, etc.....	62	Test quality of gas.....	64
Fee for, how paid.....	62	Keep record of all inspections.....	64
Certificate of, to be given.....	62	Attend examination by gas company	
Test lamps to be examined quarterly	63	of meters, etc.....	64
State of gas to be taken monthly.....	63	Report result.....	64
Insp. to report condition of test lamps	64	Report quarterly to council.....	
		To give bond.....	

LICENSE, Continued—

Who may receive junk dealers', etc..	69
Cost and conditions of junk dealers'	69
Expiration of	70
All licenses subject to ordinances passed	71
How transferable.....	72
Only available to person named in...	72
Only issue for one year.....	72
To be signed by mayor and counter-signed.....	72
Fees for all licenses to be paid to city collector	72
Not to issue until after payment.....	72
Issue of license before action under it.....	72
Penalty for default on license register.....	72
Vendors of fresh meat to take out...	73
Butcher's, issued by mayor and when to expire.....	74
Fee for butchers.....	74
Liquor dealers', revoked for selling to minors, etc.....	76
Issue, to keep billiard tables, alleys, etc.....	77
Same revocable, when.....	77
Of person permitting gaming, etc., revoked.....	78
To carry on slaughtering, distilling or rendering.....	82
Pawnbrokers to procure and who receive.....	91
When same expire.....	92
Pawnbrokers,' revoked for dealing with minor.....	92
Peddlers to take out.....	93
To be taken out for storage of petroleum, etc.....	95
Plumbers to take out.....	96
Of drivers of vehicles refusing to aid police to be revoked.....	101
Mayor's police to guard against sale without.....	101
Porters and runners, to whom and how issued.....	103
May be revoked by keeper of hotel, etc	103
Porters, etc. revocable by mayor.....	105
Night scavengers to take out.....	114
Shows, theaters, etc. to take out.....	122
Conditions and restrictions, of same.	122
Showmen's revocable by council.....	122
Vendor of liquor, etc. take out.....	128
Who may receive.....	128
When such, expire and when transferable.....	128
Same may be revoked.....	128
To be revoked of disorderly house...	129
Vehicles for hire to have and who take.....	137
Transfer of same.....	137

LICENSE, Continued—

Vehicle, to be registered.....	137
Driver of vehicle, not owner, to take.....	138
Transfer of the same.....	138
The same forfeited when.....	143
Per centage of fee of liquor, to Washingtonian home.....	365
Powers of council to, certain pursuits	403
Council authorize issuing of.....	404
Conditions as to issue of.....	404
To sell liquor only to persons in possession.....	409
Committee on (of council) act on application of females to sell liquor.....	409
Revocation of, and on what conditions re-issued.....	409
Land surveyors, how granted and revoked.....	430

LICENSEE—

May transfer license under conditions.....	72
--	----

LIEN—

When contractor has none on city...	434
Judgment for special assessment a...	465
Of special assessment on realty.....	469
Tax a, on personal property from May 1.....	481, 482, 484, 495
Tax on real estate, until paid....	481, 489
Of water rates.....	526, 528
Of money expended by city to deepen canal.....	541, 542, 577
Of west park assessment.....	589
Of park benefits discharged, how....	605
Of special assessment for parks.....	609

LIENS ESTABLISHED—

Penalties under chapter "Harbors".....	42, 45
--	--------

LIFE BOAT—

In custody of harbor master.....	42
House to be built for	245

LINCOLN AVENUE—

Authority to lay track in.....	224
Construction of ordinance	225

LINCOLN PARK—

When to be open.....	89
Land added to.....	457
Boundaries established.....	596, 601
Fund for, raised by bonds	596

LINDEN STREET—

Railway track in.....	
-----------------------	--

LIQUOR, INTOXICATING—

Sale of, on Sunday prohibited.....	
Sale of, to minors a misdemeanor	

LITTLE FORT ROAD—

Railway track in.....	
-----------------------	--

LIVERY STABLE KEEPER—

Penalty letting offal, etc.,	
Penalty for offensive premises	
Not licensed for ordinary	

MAYOR, *Continued*—

License only to be transferred by, or council.....	72
Sign all licenses.....	72
Receive report of delinquent licenses.....	72
Revoke licenses of delinquents.....	72
Issue butchers' licenses.....	74
May permit butcher to open stall on Sunday.....	74
Begging without permit of, a misdemeanor.....	77
Issue license for billiard table, etc....	77
Power to revoke such license.....	77
Duty to revoke such license, when...	77
To revoke license of person permitting gaming.....	78
May permit explosion of fire arms, etc.....	78
Ice not to be cut in river without permit of.....	79
Street noises, etc., prohibited, unless by permit of.....	80
Permit for bill posting required, when.....	80
To notify when keeping cattle, etc., nuisance.....	82
Approve bond on license for distillery, etc.....	82
Issue such license.....	88
Who act in absence, etc., of.....	87
Grant pawnbrokers's license.....	91
Right to inspect pawnbrokers register and goods.....	92
Revoke pawnbrokers license, when..	92
Issue or revoke peddlers license...	93
Approve bond of police bailiff.....	99
To appoint mayor's police and direct	101
Right to dismiss the same.....	101
Report such appointments.....	102
May make keys of telegraph boxes...	102
Issue porters and runners license...	103
Consent needed for transfer of such..	103
May revoke the same.....	105
Appoint or remove pound keepers...	110
Issue license to night scavengers....	114
Revoke such license, when.....	116
Grant and assess price of show, etc., license.....	122
Investigate charges of gaming at shows and revoke license, when...	123
Grant license to sell liquors, etc.....	128
Permit of, needed to transfer of such	128
May revoke liquor license.....	128
To revoke license where minors drink, etc.....	129, 133
May order removal of incumbrances from street	132, 133
Upon refusal to obey notice, may remove.....	134
Direct proceeding when press of teams	134

MAYOR, *Continued*—

Grant license for vehicles.....	137
May transfer such.....	137
Grant and transfer license to driver of vehicle.....	138
Revoke license for vehicles when....	141
Appoint and remove directors of public library.....	160
Fill vacancies in public library.....	161
To contract with county as to public square.....	165
His deed (for city) of north market hall lot.....	170
To act upon laying of gas mains, etc	175
To contract for gas works at house of correction.....	177
Join with comptroller to purchase land for house of correction.....	235
Appoint committee to receive plans for house of correction.....	235
Join in contract as to offenders in house of correction.....	239
Join in purchase, burial lots.....	246
Join in appointment superintendent as to Milliman track.....	246
Join in purchase lots in Oakwood cemetery	247
Join in extinguishing titles to lots in city cemetery	247
Join in deed to West park com'rs....	249
Join in exchange of Ira Judd tract for property for park.....	249
Execute contract with Joliet & Chi. R. R. Co. as to entering city.....	253
Join with Ill. Cent. R. R. Co. to amend its charter.....	284
Settle damages by building bridge at Van Buren street.....	333
Join in compromise with lessees of school lands.....	348
An officer of municipality.....	385
Elected by people—Term.....	386
When to appoint officers.....	386
Member of board of public works and police.....	387, 393, 428
Not a member of board of public works and police.....	387
Appoint board of public works.....	388
May prefer charges against members of boards of pub. works and police	389
Appoint guardians of reform school..	389
Appoint all officers and fill vacancies not otherwise provided for.....	39
Vacancy, how filled.....	39
Fill vacancies of his appointees.....	87
General duties of, stated.....	393
Salary of.....	393
Remove all officers not elected by people.....	—
Inspect books etc. of city officers	—
agent	—

MAYOR, Continued—

To furnish council information.....	393
Power of sheriff to suppress disorder delegated to.....	394
President of council.....	394, 401
Power to veto acts of council...	394, 411
Acting—When appointed.....	394
Inspect city attorney's docket.....	396
Sign commissions of officers.....	399
Pay fees received into treasury.....	400
With aldermen constitute council....	401
May call special meetings of council	402
Council may authorize, to issue licenses	404
Revoke liquor licenses, when.....	409
Appoint and remove comptroller....	415
Books etc. of comptroller subject to..	415
Sign treasury warrants....	416, 418, 520
With finance committee act on dis- puted accounts	415
Proceed against defaulters.....	417
Remove treasurer, when.....	418
Remove collector, when.....	420
Join to borrow money.....	423, 425, 426
Remove city auditor, when.....	429
Not to act as commissioner special assessments.....	398, 433
Approve bond of non-resident re- leasing property from attachment	436
Report delinquency com'r b'd pub. works	437
Sign warrant on assessment roll	445, 483
Appoint com'r on special assessment when.....	454
Approve contracts for improvements by special assessment.....	469
Act when deficiency in school fund..	472
Appoint tax commissioner and ap- prove his bond.....	476
Approve assessors' bond.....	477
Sign tax warrant.....	480, 494
Act on rebate of tax, when.....	485
To direct investment of sinking fund.....	492
Meet to revise assessments.....	493
Inspect books, etc., of collector.....	495
Inspect books of board of police.....	509
Not to remit fine but may discharge from house of correction.....	50, 513
Remove police court clerk, when....	515
Indorse sewerage bonds.....	535
Appoint consulting board on river improvement	540
A member of board of health.....	542
Sign conveyances of school land.....	551
Appoint board of education.....	556
Appoint directors of library.....	558
Is an inspector, house of correction	568
Appoint inspectors house of Corr....	568
Act on removal of "	569
Appoint sup't "	569

MAYOR, Continued—

To proceed against commissioner of Lincoln park interested, etc.....	600
May be authorized to take steps to annex territory.....	617
Appoint collectors and assessors, when.....	623
MAYOR'S POLICE—	
How appointed and duty.....	101
Mayor may dismiss at discretion....	101
Compensation of.....	101
MAY STREET—	
Chi., B. & Q. R. R. Co. may cross...	263
MEAGHER STREET—	
R'y track in.....	216
Right of La Salle & Chi. R. R. Co. in	632
MEASURERS—	
Officers of city.....	385
MEAT—	
License required for sale of fresh, when.....	78
Penalty exposing unwholesome, for sale	73
To be weighed before sale.....	74
Penalty for fraud in sale of.....	74
Mayor issue license to sell—Fee...	74
Vendor of, is a butcher.....	75
Sale of unsound etc., penal.....	181
Only to be carried when covered in wagon.....	181
Council regulate inspection of.....	406
And cause unwholesome to be seized	411
MEETING—	
Clerk attend, of council.....	395
Stated, of council, to be held.....	402
Special, how called.....	402
Reconsideration at special.....	402
Of board of assessors how held.....	479
To revise assessment regulated.....	494
Inspectors house of correction.....	568
MENDICANT—	
Children to reform school.....	566
Council punish	406
Council safely keep children in.....	408
MERCHANDISE—	
Exhibition of, on sidewalk.....	125
Not to encumber sidewalks in de- livery of.....	126
How listed for taxation after April 1	481
MICHIGAN AVENUE—	
Preserved from railways.....	207
Covenant of certain companies.....	208
R'y track never to be laid in.....	229
Council increase width, when.....	456
Shore in front of, re-dedicated.....	456
MICHIGAN STREET—	
N. Chi. R'y Co., track in.....	198
MIDWIFE—	
Register births and deaths.....	180
MILITARY COMPANY—	
Prohibited in parks, etc.....	90

MILK—

- Sale of impure, prohibited..... 79
 Skimmed, not to be sold, when..... 183

MILLIMAN TRACT—

- Title declared in heirs..... 245
 Exchange of deeds or re-purchase
 allowed..... 246
 Expense of removing bodies from... 246
 Committee of lot owners to act..... 246
 Police to aid removal of bodies..... 246
 Temporary loan authorized..... 247
 Refund purchase money of lots in... 247
 Authority to exchange lots..... 248

MILWAUKEE AVENUE—

- Chicago C. R'y Co. lay track in..... 194

MINERAL OILS, see Petroleum, etc.**MINORS—**

- Purchases of second-hand goods from,
 prohibited..... 70
 Sale of liquor to, prohibited..... 76, 129
 Pawnbrokers not to deal with..... 92
 Council to prohibit sale of liquor to.. 403
 Guardians for, owners of realty in
 cases of assessment..... 453
 And in case of condemnation of land 461

MISCELLANEOUS—

- Publication of penal ordinances..... 572
 Ordinances retained in force..... 572, 576
 Vested rights re-vested..... 572
 Acts under prior laws, valid..... 573
 Citizenship not to disqualify for
 jury, etc..... 573
 Power of officers as conservators of
 peace..... 573
 Cemetery lots exempt from execution 573
 City not liable for board of prisoners 573
 City not to give bond on appeals..... 573
 Evidence by printed ordinances..... 573
 Charter a public act..... 574
 Ratification of acts as to wharfs, etc. 574
 Claims commissioners, abolished..... 574
 Certain town officers, abolished..... 574
 Charter grants no new rights to rail-
 road companies..... 574
 One R. R. Co. to use track of another 575
 School construction bonds, authorized 576
 Appointment of inspectors, etc., of
 election..... 576
 State raises lien of city on canal..... 577

MISDEMEANORS—

- Vagrancy defined—Penalty..... 75
 Indecent exposure of stud-animals.. 75
 Sale of liquors and games of chance
 on Sunday..... 76
 Sale of liquor to minors..... 76
 Disorderly house—Brothel..... 76
 Indecent exposure—Lewd perform-
 ance..... 76
 Cruelty to animals..... 76
 Intoxication in public..... 77
 Begging in public..... 77

MISDEMEANORS, Continued—

- Keeping billiard table, ball or pin
 alley..... 77
 Permitting use of gaming device in
 house..... 77
 Keeping gaming house..... 77
 Refusing entrance of police to gaming
 house..... 78
 Gambling or acting for, or with..... 78
 Discharging fire-arms or fire-works.. 78
 Fast driving..... 78
 Sale of poison not labelled..... 78
 Wrongful construction of scaffold.... 78
 Kite flying..... 79
 Cutting ice in river without fence.... 79
 Leaving teams unhitched..... 79
 Leaving drays unsecured..... 79
 Dangerous sports..... 79
 Violation law of road..... 79
 Defective sidewalks, open cellars etc 79
 Selling impure milk..... 79
 Disorderly conduct..... 80
 Disturbing public worship..... 80
 Creating street noise or false alarm.. 80
 Killing birds..... 80
 Leaving or entering cars in motion.. 80
 Posting bills in prohibited places.... 80
 Throwing stones in thoroughfares etc 81
 Bathing in prohibited places..... 81
 Selling or exposing indecent books 81
 Under state laws how punished..... 81
 Police enter house, to arrest for..... 100
 When party guilty of, may be com-
 mitted to Washingtonian home.... 365
 Park com'r. interested in purchase
 etc 584, 600
 Violation Lincoln park ordinances... 601

MITCHELL STREET—

- Agreement as to sewerage at..... 276

MONROE STREET—

- Preserved from railways..... 207
 Covenant of companies..... 208
 Part of, vacated..... 312

MOSELEY SCHOOL FUND—

- Appropriated..... 117
 Investment authorized..... 344

MOTIVE POWER, see Animal power—**MOTTO, OF CITY, see also Seal—**

- Urbs in Horto..... 119

MUNICIPAL ASSESSMENTS, see also**Assessments, etc—**

- Revenue laws to govern..... 481

MUNICIPAL AUTHORITIES—

- May establish house of correction... 568

MUNN & SCOTT—

- Operate track across Maxwell street. 325

MUSEUMS—

- License fee of, to be paid to city col-
 lector.....

MUSIC—

- Prohibited in parks.....

N.

NAVIGATION OF CHICAGO RIVER, see <i>River, Navigation of.</i>	
NEWBERRY (L.) & CO.—	
Operate track to Galena & Chi. U. R. R. Co.....	323
NEWBERRY FUND—	
Appropriated.....	117
NEWSPAPER, see also <i>Corporation News- paper and Common Council—</i>	
Circulating, scandal, etc., penal.....	81
NIGHT SCAVENGERS—	
Take out license.....	114
Manner of transportation of material	115
Duty of, in removing material.....	115
NINE PIN ALLEY—	
Not to be kept for gain except.....	77
Owners of house in which kept, lia- ble.....	77
License to keep, issued by mayor....	77
NOISE—	
Penalty for improper.....	80
NON-RESIDENTS—	
Procedure as to, owners against whose property, judgment.....	430
Proceeding as to, when building of, is on condemned land.....	443
Liability of for ill condition of side- walks.....	451
Proceeding to condemn property of, for local improvement.....	459
Having infectious disease, removed..	546
NORMAL DEPARTMENT (HIGH SCHOOL)—	
Who eligible to.....	117
Established in high school.....	117
Graduates, have preference as teach- ers.....	117
Graduation term.....	117
NORTH AVENUE—	
Chi. & Pac. R. R. Co. track in.....	277
Viaduct over.....	278
Viaduct on, to be compelled.....	365
NORTH BRANCH STREET—	
Chi. & Pac. R. R. Co. track in.....	277
NORTH CHICAGO R'Y CO.—	
Incorporated, same rights as Chi. C. R'y Co.....	193
Authority of city to lay tracks.....	194
Permission to operate certain rail- way on streets named.....	197
To use animal power only.....	198
Council regulate running.....	198
How to lay track.....	198
What fares to charge.....	199
Liability as to streets.....	199
Forfeiture of franchise when.....	199
Duration of franchise.....	200
Duty as to repair of streets, etc.....	200
Tracks to remain ten years.....	201

NORTH CHICAGO R'Y CO., *Continued.*—

Extension of time to construct tracks, etc.....	202
Authorized to connect with Chi. C. R'y Co.....	209
Extension on certain streets.....	213
Franchise extended ninety-nine y's.	220
Right to lay track on Lincoln avenue	224
Construction of ordinance.....	225
Extend track on Clark street to center of river.....	227
NORTH CHICAGO, TOWN OF—	
Pay damages acquiring strip of land for Lincoln park.....	457
Town tax authorized.....	472
NORTH DIVISION—	
Grades between North Avenue and North Water street.....	35
North of North Avenue.....	37
Police court established and located in	97
Offenders arrested in, taken before court of the division.....	98
Pound to be established in.....	106
Pound limits of, established.....	106
Pound keeper to be appointed for...	110
When pipes, sewers etc. to be laid in, notice to be given.....	120
Operation of horse Rwy in, allowed	197
Portion of park fund applied in.....	289
Constituted and bounded.....	381
Contains wards 16, 17, 18, 19 and 20	384
Elect a Police commissioner....	387, 388
Elect member board of public works	387
Mayor appoint commissioner board public works from	388
Police court in, authorized.....	512
NORTH MARKET HALL LOT—	
Conveyance of, for jail etc.....	170
NORTH PIER—	
Ordered extended.....	178
NORTH STREET—	
Chi., B. & Q. R. R. Co. lay track in alley north of.....	263
Lay track in.....	264
Ft. W. & Chi., R. R. Co. extend track to.....	302
Also from, to Twelfth street.....	303
NOTICE, TO BE GIVEN—	
On poison sold.....	78
Meeting of school land appraisers....	118
As to laying pipes, sewers or drains	120
To remove obstructions from streets	127, 132
Not to sell liquor to relative, etc.....	129
To re-number houses, when given....	131
On sale of burning fluid.....	183
Election of officers.....	386
To officers elected or appointed.....	392
Receipt of fresh water fish to insp.	396
Special meeting of council.....	402

ATH, *Continued.*

OF OFFICE—

Commissioner to make special assessment.....	442, 454
Commissioners to assess cost of improvement.....	463
Tax commissioner.....	476
Assessors.....	477
Assistant assessors.....	477
Commissioners board of police.....	500
Members, police force.....	510
Police court clerk.....	513
Fire commissioner.....	521
Board of health.....	543
Inspectors and sup't of H. of Corr....	571
Park commissioners.....	581, 587, 600
Park assessors.....	583, 591
Appraisers north parks.....	597

BSCENE EXHIBITION—

Council prevent.....	405
----------------------	-----

FFAL—

From distilleries, etc., how to be disposed of.....	83
Penalty for discharging from premises.....	83
Not to remain on premises.....	84
To be ready for scavenger.....	114
Penalty having, on premises after notice.....	114
Removal of, from slaughter or rendering house.....	184
Removal of, from rendering tanks...	185

FFICE.

ABOLISHED—

Commissioner of reform school.....	562
Chief and ass't engineers fire dep't	522
Board of claims commissioner.....	574
Overseer of poor—Commissioner and overseer of highways—Pound-master of town.....	574

DISQUALIFICATION FOR—

As appraiser of school or city land..	119
Coal dealer as city weigher.....	149
Defaulter.....	891
For fish inspector.....	397
Policeman once removed.....	506
More than one alderman as director of library.....	558
Jury on annexation of territory.....	618

SUCCESSOR IN—

Papers, etc., transferred to.....	399
Collector turn over papers, etc., to...	420
Of collector complete duties.....	484

TERMS OF—

Of certain officers.....	386
Of alderman.....	387
Of board of public works.....	388
Of board of police.....	388
Of guardians of reform school.....	389
Harbor master and bridge tenders...	389
City clerk, physician, etc.....	389

OFFICE, *Continued.*

TERMS OF—

When not specifically fixed.....	390
Comptroller.....	415
City auditor.....	428
Land surveyors.....	430
Assessor.....	476, 492
Police court clerk.....	513
Additional members of board of public works.....	540
Members of board of health.....	543
Members of board of education.....	556
Library directors.....	558
Inspectors of house of correction....	568
Park commissioners...581, 588, 599, 610	

VACANCY IN—

Alderman, how created and filled....	386
Other city officers, how caused.....	387
Board of public works—Mayor fill...	388
Board of police, how filled.....	389
Council declare, when.....	396
Officers filling hold until successors qualify.....	390
Mayor, how filled.....	390
Created by defalcation.....	391
Created by not qualifying, when.391, 392	
Created by default in paying over money.....	391
Office of mayor—Acting mayor appointed.....	394
Of treasurer, when declared.....	418
Commissioner on special assessment, how filled.....	454
Of collector, who may act.....	484
Captain of police, how filled.....	501
Sergeant of police, how filled.....	502
Of policeman withholding stolen property, etc.....	507
Police justice, how filled.....	512
Police court clerk, how filled....513, 515	
Fire commissioner, how filled.....	522
Board of health, how filled and how created.....	543
Board of education, how filled.....	556
Library director, how filled.....	558
Park commissioners...581, 582, 585, 587, 592, 600, 616	
Commissioners of parks created as to Lincoln.....	610

OFFICERS, see also *Fees and Compensation—*

Limit of time to file bond.....	391
Limit of time to qualify.....	392
All, subscribe oath of office.....	393
Mayor appoint and remove.....	393
Council may prescribe duties of.....	398
All, to be commissioned.....	399
Council fix salaries.....399, 400	
When salary fixed not to be changed,	399
Salaried, pay fees, etc. into treasury	400
Council may require reports from....	402

OFFICERS, Continued—

Of treasury department stated.....	414
Revenue, report to comptroller	416
Accounts of treasury, under oath.....	422
Not to incur expenses not provided for.....	422, 428
Not to be interested in contract.....	428
None to receive interest on city funds.....	438
Irregularities, etc., of not, to vitiate tax.....	483
Neglecting duty as to assessment and collection of taxes liable to penalty	485
Proceedings of under assessment of taxes in 1872, legalized.....	486
Informality by, as to tax of 1872, not to invalidate.....	489
School, responsible for losses to school fund.....	557
Powers of, as conservators of peace..	573
CHARGES AGAINST—	
Against boards of public works and police by whom.....	389
Copy to be furnished to officer.....	390
Against police—Reduction of rank...	502
Superintendent of police prefer against police without oath.....	502
Penalties on conviction of police.....	502
Citizen may prefer against police....	502
CITY—	
Fees collectable by.....	16
QUALIFICATIONS OF—	
Alderman.....	387
Commissioners of board of public works.....	387, 388, 438
Of board of police.....	387, 388
For office generally.....	391
Of voter.....	392
Acting mayor.....	394
Presiding officer of council.....	401
Council judge of, of own members...	402
Comptroller.....	415
Of city auditor, council to prescribe..	428
City engineer.....	430
Tax commissioner.....	476
Assessor	476
Members board of health.....	542
Police force, how described.....	501
Fire police.....	518
Fire commissioner.....	521
Board of education.....	556
Directors of library.....	558
Park commissioners...583, 587, 590,	597
THEIR ELECTION AND APPOINTMENT—	
Officers composing the city govern- ment	385
Municipal election, when.....	386
Officers, when enter on duties.....	386
Term of certain officers.....	386
Officers not elected, when appointed	386
Alderman, vacancy, how created.....	386

OFFICERS, Continued.**THEIR ELECTION AND APPOINTMENT—**

Aldermen elected by wards, etc.....	387
Tie vote in election of, how decided..	387
Vacancy, how caused.....	387
B'd of pub. w'k and pol., how con- stituted.....	387
Mayor not a member of either b'd....	387
Qualification and term of board of public works.....	388
Term of board of police.....	388
Board of police elected in county....	388
Vacancy in b'd of pol., how filled....	389
Commissioners of public works and police—How removed.....	389
Guardians of reform school—Ap- pointment and term.....	387
Harbor master, how appointed.....	389
City clerk,	389
City physician,	389
Sealer of weights, etc	389
Inspectors,	389
Guagers,	389
Weighers,	389
Bridewell keeper	389
Assessors,	389
City auditor	389
Term of, when not fixed specially....	390
Officers, how removed.....	390
Mayor, vacancy, how filled.....	390
Vacancies in office, how filled.....	390
Official bonds—Officers not compe- tent as surety.....	391
When eligible to office.....	391
Elections, how conducted.....	391
Election returns—Who to canvass...	392
Qualification to vote or hold office....	392
THEIR POWERS AND DUTIES—	
Every officer take oath of office.....	393
Mayor, duties and salary.....	393
Mayor remove all non-elective, char- ter officers and fill vacancies.....	393
Inspect all city records.....	394
And responsible for good order of city.....	394
May veto all or part of appropria- tion.....	394
Ex-officio president of council.....	394
Limitation of last five powers.....	394
Veto power of mayor.....	394
When acting mayor appointed.....	395
Aldermen, conservators of the peace	395
Duty of city clerk.....	395
City clerk appoint deputies.....	395
Record ordinances.....	395
Salary of clerk.....	395
Corporation counsel—Duty of.....	395
City attorney—Duty of.....	396
Corporation counsel chief law officer	396
City attorney keep docket, etc.....	396
Duties of harbor master.....	396

OFFICERS, Continued.**THEIR POWERS AND DUTIES—**

Inspector of fish—Duties of, etc.....	396
Council fix his pay.....	398
City physician—Duties of.....	398
Council prescribe other duties of officers.....	398
Bond of officers.....	398
Corporation newspaper to be designated.....	398
German newspaper to be designated	398
When newspapers to be designated..	399
Officers to transfer records to successor.....	399
To be commissioned.....	399
Salaries may be established.....	399
Salaried, to pay fees into treasury...	400
Salaries of certain officers.....	400
Salaries paid monthly.....	400
Board of education no salary.....	400
Guardians of reform school no salary	400

REMOVAL OF—

Police only on written charges.....	501
Police for receiving gifts, etc.....	504
Special patrolmen, at will of board of police.....	506
Police court clerk in case of three days default.....	515
Members of board of health, when...	543
Health officer.....	547
School agent by council.....	552
Members board of education, when..	554
Teachers by board of education.....	555
Librarian, etc. by directors of library	559
Superintendent of reform school.....	562
Superintendent of house of correction	569
Park commissioners, how and when.....	582, 584, 586, 588, 592

RESIGNATION OF—

Police give notice of intention.....	506
--------------------------------------	-----

SALARIES, ETC—

Weighers for hay weighed.....	47
Physicians, nurses, etc. at quarantine	53
Inspectors gas meters, watchmen, etc	65
Additional inspector of gas meters to be regulated by common council...	65
Police bailiffs.....	99
Of mayor's police.....	101
Charges of porters allowed.....	105
Of pound keeper fixed.....	110
Superintendent to remove bodies from Milliman track.....	246
Of mayor.....	393
Of clerk, how fixed.....	395
Common council fix, where not fixed by law.....	399
When fixed not to be changed.....	399
Officers receiving, pay fees, etc., into treasury.....	400
Of certain officers not less than \$4,000.....	400

OFFICERS, Continued.**SALARIES, ETC.—**

Payable monthly or quarterly.....	400
Council fix all.....	400
Council provide for pound keeper.400,	412
Of commissioners of board of public works, etc.....	430, 431
Council fix, of city engineer.....	430
Commissioners and clerks of board of public works, how paid.....	431
Tax commissioner fixed by council annually.....	476
Assistant assessor's, limited.....	477
Board of police fix, of sec'y of board	500
Board of police fixed not less than \$2,500.....	503
Superintendent of police fixed not less than \$3,000.....	503
Deputy sup't of police, \$2,500.....	503
Captain of police, \$1,500.....	503
Detective of police, \$1,200.....	503
Patrolman, \$800 to \$1,000.....	503
Com'rs of board of police not less than \$3,000.....	503
Captains police, \$2,000.....	503
Sergeant of police, \$1,500.....	503
Clerks of board of police.....	503
Police department payable monthly..	504
Special police of departments, etc., not paid from treasury.....	506
Special patrolmen paid by person applying for.....	506
Of police in towns, how paid.....	508
Of police justice fixed by council....	513
Of police court clerk fixed by council	513
Members of fire department.....	519
Fire commissioner, how paid.....	522
Board of public works and additional members.....	540
Board of health.....	543
Board of health fix, of secretary.....	543
Sanitary superintendent.....	544
Sanitary police paid from health fund	544
Board of police fix, of health officer	547
Board of education fix, of teachers..	555
Of secretary and employes board of education fixed by board.....	556
Librarian and assistants', fixed by directors of library.....	559
B'd of guardians fix, in reform school	561
Town clerks in Chicago.....	574
Inspectors and clerks of election....	576
None to S. park com'rs except pres't	582
Officers of S. park commission.....	582
None to W. Chi. park com'rs except	588

SUSPENSION OF—

Commissioner b'd pub. w'ks or police under charges.....	389
Of officer pending charges.....	390
Of defaulter.....	417
Police pending charges.....	501, 502

OFFICIAL VISITORS, ETC.—
Appropriation to receive, authorized 410

OLD STREET—
Chi. C. R'y Co. lay track in..... 195

OMNIBUS—
Not to obstruct crossings..... 57
Fare for, not to be solicited by runner or porter..... 104
To be licensed..... 137
Lights at night..... 138
Driver, not owner, to be licensed..... 138
Fee for license..... 139
Drivers stand by, when..... 142
Driven on right side of street..... 142
Driver not act as porter..... 148
Must take passenger; overcharge prohibited..... 144

OMNIBUS DRIVER—
Penalty, not assisting police..... 101
Penalty, refusing to obey police at depot, etc..... 101
Council regulate, etc..... 403

ORDINANCE—
In relation to auctioneers applies to agents..... 5
Grade, construed..... 38
Control all licenses issued..... 71
Licenses issued under, transferable only by mayor..... 72
To be recorded..... 86, 895
When to take effect..... 86
Effect of modification or repeal..... 86
Election between two penalties..... 86
Repeal not to revive pre-existing..... 87
Rule of construction of..... 87
Penalty of, when none ordained by.. 87
Penalty of, does not take away other recovery,..... 87
Peddlers, not apply to farmers, etc.. 93
Govern police..... 100
Mayors police specially to enforce... 101
Mayor may veto all or part of appropriation..... 394
Mayor may veto any..... 394
To be published in corporation newspaper..... 398
To be published in German... .. 398
How acted on in council..... 402
When to be engrossed..... 402
Money, how passed..... 402
Council make, to regulate H. of correction..... 406
Council may make, amend, etc...408, 413
Also to regulate cemetery..... 409
Rail road, how passed..... 411
Appropriation ordinance when to be passed..... 422
Board of public works report, for improvement.....448, 449
What ordinance for local improvements shall contain,.....448, 449

ORDINANCE, Continued—
For local improvement to specify mode of making..... 459
Proceeding when, requires damaging of property..... 459
When, prescribes improvement by general taxation, then tax levy... 462
When, etc., by special taxation, then assessment..... 462
For local improvement to describe improvement..... 462
To pass, to regulate contracts..... 468
Council prescribe bond of collector by 492
Council provide expense, tax sale by 497
Board of police to enforce..... 509
Process in prosecution for violation of 513
Council pass, regulating use of water etc..... 529
To be passed, as to grades, when.... 533
To be passed, to govern sewers etc.. 538
To be passed, to protect river improvement..... 541
Board of education pass, for management of schools..... 555
Penal, published six times..... 572
Ordinances in force February 13, 1868, continued..... 572, 576
Printed by authority of city as evidence 578, 574
Comr's Lincoln park pass certain.... 600

ORDINARY...
Selling liquor without license, penal 129
Council license as to sale of liquor... 403

ORIEL WINDOW, see Window.

OVENS—
Council regulate construction etc.... 516
B. of police regulate construction etc 520

OUT-HOUSES—
Council regulate use of light in..... 405

P.

PAC. AND ATL. TELEGRAPH CO—
Erect poles on certain streets..... 354
Position of poles stated..... 354
Franchise subject to ordinances..... 354

PACKER—
Penalty letting offal etc. flow..... 83
Penalty for offensive premises..... 84

PACKING HOUSES—
Council regulate..... 404

PANORAMA—
To be licensed, how..... 122

PARENTS—
Place children in reform school, when..... 565

PARKS AND PUBLIC GROUNDS—
Names established.....
Certain games in, prohibited.....
Board of public works, superintend

PARKS AND PUBLIC GROUNDS, *Continued*—

Climbing walls, fences, etc., prohibited	88
Animals excluded from	88
Firearms, missiles, etc., prohibited ..	88
Injuring, etc., shrubbery, etc., prohibited	80
Employees in not to be hindered	89
Speed of animals limited	89
Vehicles, etc., only on drives	89
Obstruction of drives, prohibited	89
Hacks, etc., not ply for hire in	89
Peddling in, prohibited	89
Omnibus, wagon, carts, etc., prohibited in	89
Boisterousness, gaming, etc., prohibited in	89
Part of, may be closed, when	89
Time of opening	89
Superintendent may open and close ..	89
Duty of visitors to	90
Bathing, fishing, etc., prohibited in ..	90
Fireworks prohibited in	90
Perambulators only allowed on walks ..	90
Bill posting, prohibited	90
Music, banners, etc., prohibited in ..	90
Fire apparatus, prohibited in	90
Funeral processions, prohibited in ..	90
Fires, prohibited on	90
Treading on grass, not allowed	90
Police may arrest offenders in	90
Penalty for violation of rules of	91
Grass from, may be used how	91
PUBLIC—	
Right to lay gas in	175
Burials prohibited where	248
Part of Chicago cemetery set over for Lake	248
Name Lake, changed to Lincoln	249
Deed authorized to West Chicago park commissioners	249
Exchange of Ira Judd track for other property for	249
When same may be improved	249
Proceeds, sale strip on lake shore a park fund	289
Board of public works in charge of ..	432
Council purchase, lay out etc	440
Purchase of, etc., charge on general fund	445
Penalty, injury to	455
Encroachments on Lake p'k forbidden ..	456
Land added to Lincoln	457
Council levy tax to purchase for	471
SOUTH DIVISION—	
Commissioners how appointed, oath and bond (act Feb. 24, 1869)	581
Term of office of commissioners, organization and vacancy	581 585
Officers of board	582

PARKS AND PUBLIC GROUNDS, *Continued*.

SOUTH DIVISION—	
Land to be selected	582
Procedure to condemn	583
Map to be recorded	583
Assessors duties of, etc	583
Bonds authorized	584
Tax authorized—Warr'ts, how drawn ..	584
Vacation of roads, etc	584
Commissioners to be disinterested ..	584
Removal of commissioners from office	584, 586
Commissioners to control, etc	585
Exemption from taxation	585
Appropriation of money, how made ..	585
Bonds receivable on assessments	585
Election to be held	585
Amends boundary line	586
Bonds, how disposed of and canceled ..	586
Time to make estimate	586
Control over streets	586
Election confirmed and prior act ratified	586
WEST DIVISION—	
Limits of Chicago extended	587
Commissioners, how appointed	587
Board of comr's organization and powers of—Officers of	588
Powers of and limitations of	588
Location and condemnation of	588
Establishment of building line	589
Subdivisions subject to commissioners, when	589
Power to construct bridges, etc	589
Surveys to be made	589
Alteration of streets, etc	590
Right to condemn	590
Map to be recorded	590
Assessors, appointment and duties ..	590
Separate assessments to be made	591
Power to borrow money	591
Effect of electors adopting act—Duty of county clerk, etc	592
Power of commissioners as to streets ..	592
Removal of commissioners	592
Vacancy, how created	592
Submission of act to people	592
Confirmation of preceding act (act April 19, 1869)	593
Manner of condemning, etc., lands ..	594
Proceedings on assessment	594
When title in lands to vest	595
New assessments and lien of	595
Right to borrow to pay public benefits ..	595
Commissioners to locate boulevards ..	595
Repealing section 5 preceding act	595
Modifying part of section 10 preceding act	596
Size, etc., of north and expenditures on middle park	596

EDDLERS, Continued—

Limited right to occupy sidewalks...	94
Of fruit, etc., may occupy part of sidewalk.....	125
Scales, etc., to be tested and sealed..	152
Council license.....	403

EDDLING—

Not allowed in parks.....	89
---------------------------	----

PENALTY—

Selling at auction without license....	4
Selling at auction watches, plate, etc., without stating quality.....	4
Not refunding purchase money, etc..	4
Substitution by auctioneers for articles sold.....	4
False representation at auction sales	4
On auctioneer for allowing sale under license.....	5
Against auctioneers who to apply to Street auction sales.....	5, 126
Resisting bridge-tender.....	6
Fast riding or driving over bridges..	6
Driving droves of animals over bridges.....	7
Stopping teams, etc., on bridges.....	7
Resisting officer at bridges.....	7
Obstructing bridges, etc.....	7
Bands playing, etc., on bridges.....	7
Not closing bridge for fire apparatus	8
Violation of bridge ordinance.....	8
Intra-mural interment.....	9
False certificate, weight of coal.....	11
Deceit in sale of coal.....	11
Concealed weapons confiscated.....	11
Carrying concealed weapons.....	13
Counterfeiting dog plates.....	14
Violating dog ordinance.....	14
Frauds upon pound ordinance.....	15
Dangerous dogs at large.....	15
Dogs in heat at large.....	15
Not slaying biting dog.....	16
Violation of fire limits ordinance.....	21
Wrongful conducting of stove-pipe...	22
Lights and fires in stables, etc.....	22
Non-removal of shavings, etc.....	22
Use of candles in shops, etc.....	22
Scattering shavings, etc., on streets..	22
Carrying fire.....	22
Ashes not in brick room.....	22
Wrongly built chimney.....	23
Unconnected foundation of chimney	23
Non-access to chimneys in lofts.....	23
Not guarding stove-pipe.....	23
Wrongful construction chimneys for steam works.....	23
Wrongful deposit of hay.....	23
Burning hay, shavings, etc.....	24
Keeping lumber-yard in fire limits...	24
Not closing hatchways, etc.....	24
Misuse of fire apparatus.....	24
Refusal to obey fire marshal at fire..	25

PENALTY, Continued—

Driver of wagons, etc., not aiding...	25
Hindering firemen.....	25
Injuring fire apparatus.....	25
Fast driving, fire apparatus.....	25
Driving over fire hose.....	26
Wrongful removal of property from ruins of fire.....	26
Removing property from ruins of fire	26
Violation fireworks ordinance.....	27
Selling gunpowder, etc., without license.....	38
Violating gunpowder ordinance.....	40
Discharging gunpowder, where prohibited.....	40
Refusing order to remove vessel carrying gunpowder, etc.....	40
Neglect of order of harbor master...	42
Resistance to harbor master removing vessel.....	42
Under chapter "Harbor," a lien..	42, 45
Resisting detention of vessel.....	43
Obstructing south pier.....	43
Injuring bridges.....	43
Penalty for obstructing bridge.....	43
On vessels not towed at bridge.....	44
Injury to bridge.....	44
Vessels leaving cargo projected.....	44
Depositing earth in river, etc.....	45
Injuring dredges, etc., in harbor.....	45
Violation provisions chapter "Hay"	48
Neglecting vaccination when ordered	48
Neglecting to abate nuisance.....	49, 545
Removal of notice of small-pox.....	49
Placing offensive matter on streets or premises.....	50
Depositing offensive matter in river, lake or public grounds.....	50
Physicians not reporting cases of infectious disease.....	50, 545
Householders not reporting infectious disease.....	50, 545
Violation of chap. "Health Dep't"	54
Not sprinkling railway tracks.....	56
R'y companies not repairing streets, etc.....	56
Running R'y cars without conductor	56
Cars and omnibuses obstructing crossings.....	57
Vehicles not giving way to cars.....	57
Violating orders, sup't or rules of house of correction.....	58
Escaping or attempting, or aiding to escape from house of correction...	58
Unlawfully acting as inspector of fish.....	60
Interfering with inspector of fish....	60
Selling fresh water fish before inspection.....	60
Selling fresh water fish not branded	60
Tampering with gas, etc.....	65

PENALTY, Continued—

(On engineers for neglect.....	67
Violation of ordinance in relation to inspector of steam boilers.....	68
Bribery by inspector of steam boilers	68
Keeping intelligence office without license.....	68
Violation of ordinance in relation to intelligence offices.....	69
Junk dealers, etc. not licensed.....	69
Junk dealers, etc., not keeping record, etc.....	70
Junk dealers, etc., not exhibiting record, etc.....	70
Junk dealers purchasing of minors..	70
Injuring or defacing postoffice boxes	71
Injuring, etc., lamp-post or lamp....	71
License violating ordinances.....	72
Delinquent licensees.....	72
Selling meat without license.....	73
Exposing unwholesome meat for sale	73
Bringing untried fat, shanks, etc., to markets.....	73
Selling unweighed meat or fraud in weighing.....	74
Butcher refusing to allow inspection	74
Butcher depositing filth, etc., in streets.....	74
Butcher depositing brine, etc.....	74
Butcher opening stall, etc., on Sun- day.....	75
Vagrancy.....	75
Indecent exposure of stud-animals...	75
Open tippling house on Sunday.....	76
Selling liquor, etc., to minors.....	76
Keeping or supporting brothel or disorderly house.....	76
Indecent exposure of person.....	76
Lewd performance or behavior..	76
Exposing or selling indecent books, etc.....	76, 81
Cruelty to animals.....	76
Intoxication in public, etc.....	77
Begging.....	77
Keeping billiard table, pin-alley, nine or ten-pin-alley, ball alley or shooting gallery.....	77
Owner of buildings in which billiard tables, pin alleys, etc., liable to...	77
Permitting use of gaming devices....	77
Helping gaming or disorderly house	77
Obstructing police in seizing, etc., gaming devices.....	78
Refusal to admit police in disorderly and gaming houses.....	78
Frequenting, visiting, etc., gambling room, etc.....	78
Exploding fire arms or fire works...	78
Fast driving.....	78
Wrongful sale, etc., of poison.....	78
Erecting insecure scaffold.....	78

PENALTY, Continued—

Kite-flying in street, etc.....
Cutting ice in river without permit..
Leaving animals standing unhitched
Not securing wheels of drays, etc., when standing.....
Dangerous sports in streets, etc.....
Violating law of road as to meeting vehicles.....
Leaving cellar, etc., open in sidewalk
Sale, etc., impure milk.....
Disorderly conduct, riot, etc.....
Disturbing public worship.....
Giving false alarm, etc.....
Killing or throwing at birds.....
Leaving railroad cars, etc., while in motion.....
Bill posting, when.....80,
Throwing stones in thoroughfares...
Bathing in certain limits.....
Misdemeanors under state laws.....
Keeping cattle or swine on premi- ses, etc.....
Carrying on distillery, rendering or slaughtering without permit.....
Maintaining offensive premises at distillery, etc.....
Wrongful disposition of offal.....
Discharging offal etc. from premises
Keeping offal, filth etc. on premises
Rendering so as to create nuisance..
Having offensive premises etc.....
Offensive grounds
Contents of privy escaping.....
Offensive cellar, drain etc. on prem- ises
Hogs etc. at large.....
Obstructing river by piles etc.....
Where two, prescribed, election be- tween
What, to enforce when ordina'ce silent
Does not discharge other right of recovery.....
Games in parks etc.....
Violation of park rules etc.....
Pawnbroking without license.....
Pawnbroker not keeping register....
Pawnbroker refusing to allow inspec- tion
Pawnbroker dealing with minor.....
Peddling without license.....
Fraud by peddler etc.....
Peddlers not having sign on vehicle...
Inspector of mineral oils dealing in oils.....
Evading inspection of mineral oils etc.....
Connections with water works with- out permit.....
Resisting policemen or rescuing prisoner

PENALTY, Continued—

Refusal to aid police, etc.....	101
Falsely personating police.....	101
Refusing to obey police at depots, etc.	101
Giving false alarm by police telegraph.....	102
Wrongful making of keys to telegraph boxes.....	102
Interfering with police, etc., telegraph wires.....	102
Violation of porters and runners ordinance.....	105
Animals at large in pound limits.....	106
Pound keeper neglecting, etc., duty.	106
Interested person or pound keeper purchasing impounded animal.....	108
Breaking pound.....	109
Obstructing pound keeper.....	109
Wrongful impounding of animal.....	109
Violation by railroad company or agent of ordinance regulating.....	112
Empty railroad cars left on crossing...	112
Vessel dragging anchor or towing vessels so doing.....	113
Garbage, etc., on premises after notice.....	114
Violation of night scavenger's duty...	115
Unlicensed night scavenger.....	116
Owner of premises violating scavenger ordinance.....	116
Excavating round sewer without permit.....	120
Unauthorized opening or connection with sewer.....	120
Wrongful construction of private drain, etc.....	121
Obstructing drains, sewers, etc.....	121
Refusing right of entry upon premises to examine drains having connections, etc.....	121
Injury of sewer, house drain, etc....	121
Violation of ordinance by showmen, etc.....	122
Allowing gambling at shows, etc.....	123
Unlicensed exhibition, etc.....	123
Exhibition entered by saloon or grocery.....	123
Constructing sidewalk out of grade, etc.....	123
Not cleaning, etc., private drain, etc	124
Encumbering sidewalk by windows, etc.....	124
By sign posts, etc.....	124
Wrongful construction of awnings...	125
Violation of ordinance as to exhibition of goods on sidewalks.....	125
Obstructing sidewalks in delivering goods.....	126
Hitched animal encumbering sidewalk.....	126
Not placing hitching rings.....	126

PENALTY, Continued—

Driving on sidewalk.....	127
Not removing ice and snow from sidewalk.....	127
Preventing removal of obstruction from sidewalk.....	127
Not posting liquor license.....	128
Selling liquor without license.....	129
Selling liquor to person after notice, otherwise.....	129
Keeping house where minors drink, etc.....	129
Not affixing house number.....	132
Affixing number before certificate of Incumbering street with building material.....	132
Not removing incumbrances from street.....	132
Incumbering street by vehicle, etc...	133
Removing building on street without permit.....	133
Letting building stand on street.....	133
Refusing to remove incumbrances from street.....	134
Disobedience, when press of teams..	134
Not filling up excavation made.....	134
Placing rubbish in streets.....	135
Tearing up pavements, etc., without permit.....	135
Injuring trees in streets.....	135
Planting trees out of line.....	135
Not trimming tree obstructing lamp	136
Violating tunnel ordinance.....	136
Drivers of vehicles not giving up packages, etc., left in vehicles.....	140
Penalty overcharge of fares in vehicles.....	140
Drivers of vehicles not exhibiting card.....	140
Vehicles at improper stand.....	141
Hacks off stand at Wells st. depot...	142
Express wagons violating rule of standing on streets.....	142
Omnibus riding on left side of street	142
Violation orders of police as to omnibus stands.....	143
General, violation of ordinance as to vehicles.....	143
Obstructing railway cars.....	143
Misrepresentation, etc., by driver of vehicle.....	144
Befouling water near water works...	146
Meddling with public hydrants.....	146
Injuring hydrant or wasting water at	146
Fireman lending wrench.....	146
Violating water supply regulations..	147
Obstructing water stop-cock.....	148
Refusing exhibit weights and measures.....	150
Using untrue weights, etc.....	150
Using unsealed or altered weights, etc.	151

PENALTY, Continued—

Peddlers using unscaled weights, etc	152
Fraud in measures.....	152
Encumbering, etc., wharfing privileges.....	158
Council to prescribe, for violation of rules of public library.....	162, 559
Selling unsound meat or provisions..	181
Transporting dead animals, meat, etc. not covered.....	182
Refusing inspection of slaughter-house, etc.....	186
Violation, health regulations.....	182, 186, 645
Person in infected house refusing vaccination.....	186
Entering upon certain streets for railway uses.....	207
Non-removal track from Clinton street	213
Running dummy north of Egan ave..	223
Inspectors closing polls, etc. wrongfully.....	391
Illegal voting.....	392
Fish inspector violating law governing.....	397
Officer not transferring papers, etc. to successor.....	399
Salaried officers retaining fees, etc...	400
Guardian of reform school or member board of education taking interest on funds, etc.....	400
Council prescribe, for animals, etc. at large.....	406
Prescribe for not registering births and deaths.....	406
Council prescribe, for obstructing, etc. harbor.....	407
Council may prescribe, for violation of ordinances.....	409
Also for violation, cemetery regulations.....	409
Council prescribe, by fine and imprisonment—Limit.....	413
False swearing before comptroller as to accounts.....	416
Embezzlement city money.....	422, 427
False oath to official accounts.....	422
Officer receiving interest on city funds	439
Council prescribe for neglect to raise sidewalk, etc.....	451
Injury to public property, grounds, etc	456
City collector not notifying party owing on special assessment.....	466
Non-payment of insurance rates, etc	474
Council may prescribe, non-return of property statement for tax,.....	478
False swearing as to taxable property	480
Neglect to list property on business commenced after April 1.....	481
Interest on untaxed (newly discovered) property.....	482
Non-payment special assessment.....	484

PENALTY, Continued—

Assessor, collector, etc., neglect duty.....	
Police incompetent, etc.....	
Violation of rules by police, etc..	
Police resigning without notice..	
Police not turning in property found etc.....	
False swearing before superintendent of police, etc.....	
Assaulting elector or police.....	
Assuming police power.....	
Special policeman not wearing hat	
Unlawfully wearing police star...	
May be collected by action in debt	
Council impose for non-attendance as witness before fire marshal..	
Refusal to obey rule of B. of police to securing building, etc.....	
Non-payment of water rates.....	
Council prescribe for breach of water regulations.....	
Injuring water works or polluting water.....	
Injuring sewer or drain.....	
Council provide, for injuring works of river improvement.....	
Non-removal of vessel with infectious disease on board.....	
Council prescribe additional for violation health regulations.....	
Non-removal from city of dead animals, etc.....	
Not fixing drain, etc., of tenements	
Rendering not having condensers,	
Violation of health laws how rectified.....	
Noxious manufactures.....	
Perverting school fund.....	
School officer interested in purchases, etc.....	
Aiding, etc., escape from reformatory school.....	
Ordinance imposing, published times.....	
Accrued Feb. 13, 1863, continued	
Violation of Lincoln park ordinance	
PERAMBULATORS—	
Prohibited in parts of parks.....	
PERFORMANCES—	
Lewd, a misdemeanor.....	
In streets prohibited, when.....	
PERQUISITE—	
None to pound-keeper.....	
Salaried officers pay fees to treasurer	
PERSONAL PROPERTY—	
When listed and lien of tax on....	
All to be taxed.....	
Assessed as of May 1.....	
PEST HOUSE—	
Council may erect and control...	

ESTILENCE—

- Special patrolmen may be appointed during..... 506
 Power of board of health during..... 544
 Power to borrow money in case of... 544

ETITIONS—

- How acted on in council..... 402

ETROLEUM AND OTHER DANGEROUS LIQUIDS—

- Restriction of storage of—Fire test.. 94
 When fire proof warehouses may be used..... 95
 P., Ft. W. & Chi. R'y warehouse may be used..... 95
 Inspector of, to be appointed—Duty of 95
 Inspector's fees and deputies..... 96
 His oath of office and bond..... 96
 Penalty for his dealing in..... 96
 His inspection, certificate and register..... 96
 Evasions of and frauds on the ordinance, penal..... 96
 Notice on package of, sold..... 183

PHYSICIAN—

- Report all cases of infection.....50, 545
 Register births and deaths..... 180
 All, to register names, etc..... 180
 May certify to vaccination..... 181
 Council impose penalty on, not registering..... 406

PIERS—

- City may construct for water works, when..... 525

IN ALLEY—

- Not to be kept for gain except under penalty..... 77
 Owners of house in which kept, liable..... 77
 License issued by mayor..... 77
 Council license..... 403

INE STREET—

- R'y track never to be laid in..... 229

IPES—

- When to be laid, notice to be given... 120
 Altering, emptying into sewer, etc., without permit, penal..... 121

PLANS—

- Prizes for, of city hall..... 165
 For house of correction..... 235

PITTSBURGH, FORT WAYNE & CHI.

R. W., see also *Railroads*—

- Warehouse at 12th street may be used to store petroleum, etc..... 95

PLATFORM—

- Limit of extension on sidewalk..... 124

PLATS—

- Of divisions, etc., to be submitted to commissioner of taxes before record 482

LEADINGS—

- How amended on application for judgment on tax of 1872..... 489

PLUMBERS—

- To be licensed, when.....96, 148

POISON—

- Salv, etc., of, regulated..... 78

POLICE—

- Park commissioners appoint force.... 610

POLICE AND FIRE TELEGRAPH—

- Penalty for giving false alarm, by... 102
 Wrongful manufacture of keys of box 102
 Penalty for interfering with wires... 102

POLICE COMMISSIONERS, see Board of police commissioners.**POLICE COURTS, see also Clerk of police court—**

- North division, located..... 97
 How justice designated—Sessions of 97
 Power and duty of justice..... 97
 Clerk, how appointed..... 97
 Duty of police as to..... 98
 West division, located..... 98
 How justice designated—Sessions... 98
 Power and duties of justice..... 98
 Clerk, how elected..... 98
 Duty of police as to..... 98
 South side, located—Sessions..... 98
 Selection of police bailiffs..... 98
 Clerks weekly report and dockets.... 99
 Appointment etc. of prosecuting attorney 99
 Justices of, officers of city..... 385
 Clerk of, officer of city..... 385
 Clerk elected by people—Term of office..... 386
 Justices to be designated to hold..... 511
 Daily sessions 512
 Court in each division, clerks of—
 Change of venue..... 512
 Appeal from..... 512
 Executions from—Imprisonment by, when 512
 Suit in name of city—Action of debt for penalty etc..... 512
 Process to issue from..... 513
 Fines imposed in, not to be remitted except 513
 Justices, how paid..... 513
 Clerk, election, duties and vacancy in office..... 513, 514
 Witness fees, taxation of and payment 514
 Clerk to prosecute when..... 514
 Clerk's daily report and payment.... 514
 Penalty for failure to report and pay over 515
 Prosecuting attorney, duties of, etc.. 515
 Sessions of court where held..... 515

POLICE DEPARTMENT—

- Penalty resisting police at bridges... 0
 Superintendent of, to aid harbor-master..... 8
 Arrest carriers, concealed weapons without warrant..... 12

POLICE DEPARTMENT, Continued—

Exemption as to carrying weapons...	13
Impound dogs, etc.....	14
Slay dangerous dogs at large.....	15
Slay dogs in heat at large.....	15
Slay unmuzzled dogs.....	16
Slay biting dog, when.....	16
Superintendent of police grant permits to remove property from ruins	26
Remove vessel carrying gunpowder	40
Harbor-master a special policeman...	45
To enforce quarantine regulations...	53
Police to be obeyed at quarantine.....	54
Police to return process of committal to house of correction.....	58
Police to report violations of duty of lamp lighters.....	63
Officers of, may inspect junk dealers record, etc.....	70
Police seize and demolish gaming devices.....	77
Arrest inmates of certain houses without warrant.....	78
Right of entry into disorderly and gaming houses.....	78
Duty to arrest for fast driving.....	78
Police to be detailed to enforce nuisance ordinances.....	85
Duty of police so detailed.....	85
Police, arrest violaters of park rules	90
Police may inspect pawnbrokers register, etc.....	92
Police to take offenders before division courts.....	98
Police bailiffs selected from.....	98
Authority and duty of policemen.....	100
Right of entry to make arrest.....	100
Penalty upon police for neglect of duty, fraud, etc.....	100
Resistance of or rescue from, penal..	101
Duty of citizen to assist police.....	101
Penalty for falsely representing.....	101
Persons at depot to obey officers of..	101
Mayor's police, appointment and duties of.....	101
Dismissal, etc., of mayor's police.....	101
How mayor's police authorized to act	102
Police execute warrants, etc.....	100
Police have power of constables.....	100
Right of entry by force, etc.....	100
Police and fire telegraph.....	102
Regulate porters and runners.....	105
Policeman appointed pound keeper, salary of.....	110
Policemen to be detailed as pound keepers.....	110
Managers of shows, theaters, etc., to maintain police force.....	122
Receive articles left in vehicles.....	140
Superintendent designate hack, etc., stand at depots.....	141

POLICE DEPARTMENT, Continued—

Power of, over drivers of vehicles stated.....	145
Police, inspect slaughter houses, etc...	186
Police aid in removing bodies from Milliman track.....	246
J. Reid & Co. to maintain a policeman	350
Board of police, officers of city.....	385
Superintend'nt of police, officer of city	385
Mayor control members of, when....	394
City physician attend sick persons in station houses.....	398
Council may require detail for pounds	412
Increase of pay of, 1864, confirmed..	426
Fund to pay expense.....	426
Tax 3½ mills for expenses.....	472
Board of police established.....	499
President and secretary appointed by board.....	500
Oath of commissioners and bond....	500
Control police force, etc.....	500
Pursue criminals, preserve peace, etc	500
Organization of police, removals....	501
Increase of force, when and how....	501
Board how to appoint and remove...	501
Officers may be reduced in rank.....	502
Superintendent prefer charges without oath.....	502
Officer suspended pending charges...	502
Power of board on conviction.....	502
Citizen may prefer charges ; trial and appeal.....	502
Salaries of force.....	503
Salary of commissioners.....	503
Captains and sergeants salary.....	503
Salary, clerk of board.....	503
Salaries how paid—Presents not to be taken.....	504
Police life insurance fund.....	504
Relief of disabled police.....	504
Police powers.....	504
Power as to gambling.....	505
Precincts ; how orders given.....	505
Appointment of special police.....	506
No resignation without notice.....	506
Removed policemen not re-appointed	506
Stolen property to be kept etc.....	506
Records of board to be kept.....	507
Stolen property how sold.....	507
Persons arrested and witnesses, accommodations for and report of...	507
Expense of, city charge.....	508
Police for county, how appointed....	508
Estimate of expense ; taxation.....	509
Fund, how disbursed.....	509
Expense limited.....	509
Board enforce ordinances—Power as to witnesses.....	509
Oath of police and security by some officers.....	510
Superintendent and board report....	510

POLICE DEPARTMENT, Continued—

Control military equipments.....	510
Exemptions of all officers.....	510
Penalty, assaulting police on duty...	510
Penalty, assuming police power.....	510
Special police wear badges.....	511
Penalty, unlawfully wearing star.....	511
Witness fee not taxed in city cases for members of.....	514
Council may authorize to keep cer- tain persons from fires.....	517
Firemen to assist in case of riot etc..	518
Member to be detailed to inspect ves- sels as to contagious disease.....	545
Policemen enter houses etc. for sani- tary purposes.....	547
Policemen detailed to enforce health laws and regulations.....	547
POLICE JUSTICE, see also <i>Justice of Peace</i>—	
Officer of city.....	385
Pay fees received into treasury.....	400
How designated.....	511
Appeal from and change of venue...	512
Issue execution, when.....	512
Paid by salary, etc.....	513
Aid in collection of fines, etc.....	514
Proceeding as to child destitute, etc..	562
Duty as to commitments to H. of cor	570
POLICE LIFE AND HEALTH INSUR- ANCE FUND—	
Gifts, etc., to force paid into.....	504
Proceeds sale of stolen property paid into.....	507
POLICEMEN, see also <i>Police Department</i>.	
Officers of city.....	385
POLICE REGULATIONS—	
Council make, alter, etc.....	413
POLK STREET—	
Chi. C. R'y Co. lay track in.....	195
C. W. Div. R'y Co. lay track, east of Canal.....	216
Widening of river at.....	338, 340
Pac. & Atl. Tel. Co. poles in.....	354
POOL—	
Penalty for offensive.....	84
PORCH—	
Limit of extension on sidewalk.....	124
To be removed from street opened...	133
PORTERS—	
Penalty refusing obey police at de- pots.....	101
Drivers of vehicles not act as.....	143
Council regulate, etc.....	403
PORTERS AND RUNNERS—	
To be licensed, etc.....	103
Revocation of and substitution for license.....	103
Who liable under their license.....	103
To wear a badge and carry card.....	103
Not to solicit for vehicles.....	104

PORTERS AND RUNNERS, Continued—

Who may act as at depots, etc.....	104
Penalty for deceit by.....	104
Compensation allowed to porters.....	105
Prohibition of disorderly conduct by	105
To be regulated by police.....	105
Penalty for violation of ordinances...	105
Drivers of vehicles not act as.....	143
POSTING BILLS, see <i>Bill Posting</i>.	
POST OFFICE—	
Department may affix boxes to lamp posts.....	71
POUND-KEEPER—	
To impound dogs, when.....	14
Slay impounded dogs, when.....	14
Collect fee on dogs redeemed.....	15
To register and report receipts.....	15
To pay receipts to treasurer.....	15
For each division of city.....	106
Duty of—Penalty for neglect.....	106
To register animals impounded.....	107
Receive redemption fee.....	107
Duty of on receipt of judgment as to impounded animal.....	108
May not purchase at pound sale.....	108
Penalty purchasing at his sale.....	109
Penalty for obstructing him.....	109
To report and pay over monthly.....	109
Give bond.....	109
Keep books of account.....	109
Salary fixed.....	110
Appointed or removed by mayor....	110
Council may order election of.....	412
Payment to by salary or fees.....	412
POUND MASTER, see <i>Pound Keeper</i>.	
POUND NOTICE—	
Form of, on complaint made.....	107
Form of, on judgment rendered.....	108
POUNDS—	
To be constructed and keepers ap- pointed.....	106
Limits defined.....	106
Penalty animals at large in, limits...	106
Duty of keeper.....	106
Registration of animals taken to.....	107
Pound charges allowed.....	107
Redemption of animals in.....	107
How to proceed against impounded animals.....	107
Proceeding when owner of animal is unknown.....	107
Justice docket of impounded animal	108
Jury trial as to suit against animals..	108
Form of justices' order against.....	108
Keepers notice of sale.....	108
Who disqualified from purchasing at sale.....	108
Penalty for breaking pound.....	109
Obstructing pound keeper.....	109
Keepers report, register and return of money.....	109

POUNDS, Continued—

Who entitled to Surplus proceeds of sale	109
Keepers bond.....	109
Wrongful impounding of animals; penal.....	109
Monthly statement of accounts.....	109
Keepers salary.....	110
Keepers appointment and term of office.....	110
Power to remove keeper.....	110
Council establish.....	406
Council may require police detailed at	412

POWER, see *Animal Power*.

POWERS OF ENTRY UPON PREMISES—

In health officer to abate nuisances...	48
---	----

PRECEDENCE OF CAUSES—

Special assessment.....	465
Information under health laws.....	549
Confirmation of park appraisal.....	598
Application for judgment on special assessment parks.....	609

PRINCIPAL OF HIGH SCHOOL—

Employed by board of education.....	117
-------------------------------------	-----

PRINTING—

Of ordinances.....	399
Of city boards by contract.....	399

PRISONERS—

How discharged from H. of Corr....	59
City not liable for board etc. of, when	578

PRIVY, see also *Privy vault*.—

How to be built.....	21
To have vault.....	84
Penalty for offensive.....	84
Duty of night scavenger on cleansing	115
Owners etc. cleaning, their obligations	115
Fee chargeable by night scavenger...	115
Not cleaned without permit.....	179
Vaults of, how constructed.....	179
Council abate nuisance in.....	404
May order cleaning of, etc.....	408
Board of public works regulate construction, etc.....	534
Of tenements and lodging houses regulated	547

PRIVY VAULT—

Not to be disturbed except, when....	115
To be cleaned upon notice.....	116
None built except under permit.....	179
Disinfected before cleaned.....	180

PROCEEDS OF SALES—

Surplus of animals impounded sold, to owner.....	109
--	-----

PROCEEDURE—

Against concealed weapons.....	12
Service of writ, how made.....	13
To judgment against weapons.....	13
Against biting dog.....	16
To extend fire limits.....	18
Repair or removal, wooden buildings	20
Estimate damage to wooden buildings	21

PROCEEDURE, Continued—

Against wooden buildings when a nuisance.....	21
As to vessels adrift in harbor, etc....	42
To enforce lien of penalties against vessels.....	43
By health officer to abate nuisance...	49
To establish quarantine.....	51
To enforce repair of streets by railway companies.....	56
Of gas inspector in testing public meters.....	63
By board of health to abate nuisance	85
Against impounded animal.....	107
To remove incumbrances.....	133
Remove commissioner boards of public works or police.....	389
Trial of officer.....	390
On official bonds.....	391
Conduct of elections.....	391, 392
Mayor on removing officer.....	393
Of council on veto.....	394
Call special meeting of council.....	402
Comptroller against defaulter.....	416
In case of default of contractor.....	434
When judgment against city against non-residents property.....	436
To obtain certain street, etc., improvements.....	441, 452
On recommending street, etc., improvements.....	441
On order of council for street, river, etc.....	442
Of commissioners board of public works in condemning realty...442,	450
When building on land condemned..	443
Of council on filing assessment roll.....	444, 145
Appeal from confirmation of assessment roll by council.....	445
For widening of river.....	447
To assess rail road for improvement.	448
Assessment for gas and water pipe...	448
Of board of public works on application to improve streets, etc.....	448
When improvement streets, sidewalk, lamps, river, etc., ordered..	449
Against non-residents for damages by ill condition of sidewalks.....	452
As to new assessment for one failed.	454
To condemn strip of land for Lincoln park.....	457
For making just compensation for property.....	459
For making special assessment.....	459
In condemnation where alienation since proceeding commenced.....	461
Against disqualified persons to condemn property.....	461
Local improvement by special tax...	462
Making special assessment.....	462

PROCEEDURE, Continued—

County court on hearing special assessment.....	465
Against delinquent tax payers	467
New assessment for one annulled.....	468
On failure to collect special assessment.....	468
To ascertain and assess damages for property taken.....	469
Collection special assessment as state and county tax.....	469
Suit for collection of special assessments.....	469
Of collector of taxes on improvements on school lands.....	473
To assess annually.....	477, 478
Collector to collect tax or assessment	482
Assessors on refusal to list property for assessment.....	478
To revise assessments.....	478
To tax persons in business after April 1.....	481
Of collector to collect tax or assessment.....	483
Collector on levy for taxes.....	484
Against on bond collector, etc., neglecting duty.....	485
To sell lands delinquent for tax of 1872	486
To sell where tax warrant destroyed	487
To collect tax from delinquents.....	487
At tax sale for tax of 1872.....	488
Amendment of pleadings on application for judgment for tax 1872....	489
On affirmance of judgment for tax 1872.....	490
To revise assessments (act 1873).....	493
Collector to collect tax.....	495
Collector to collect special assessment	496
County treasurer as, etc., for judgment on delinquent list.....	496
Trial of policemen.....	502
To appoint special patrolmen.....	506
Sell stolen property.....	507
To ascertain damages for land taken for water works.....	524
Assessment of water rates.....	526
To collect the assessment.....	527
To collect water rents due prior to 1863.....	528
Condemn realty for sewerage.....	533
To collect cost of private drains.....	534
Collection cost draining privies and cesspools.....	534
Collection sewerage tax.....	537
Acquire property for tunnels.....	538
To restrain rendering contrary to law, also slaughtering, etc.....	549
When debt to school fund insecure....	553
As to mendicant children.....	562
By one railroad to use tracks of another.....	575

PROCEEDURE, Continued—

By south park commissioners to condemn realty.....	583
To appoint park assessors.....	583, 590
To make assessment for parks...583,	590
To confirm park assm'ts.....	583, 590, 594
Annual tax for parks.....	584, 591
To remove park com'rs.....	584, 586, 592
To condemn property for west parks	590
By park assessors when condemnation not resorted to.....	594
To appraise benefits, etc., north park	597
To judgment on appraisal for north park.....	598
Assess benefits by parks.....	605
To change location, etc., of parks....	607
Condemn land for parks.....	608
Upon judgment for special park assessment.....	609
Collect unpaid park assessment..	609, 614
Collect park tax.....	611
By park commissioners to connect parks, etc.....	611, 616
Also to construct sewers.....	612
To annex or exclude territory.....	616
To judgment and sale for taxes..	620, 621
To replace assessment roll destroyed	622
Of commissioners to make assessments.....	623
At tax sale when variance in delinquent list.....	624

PROCESS—

Form of writ vs. concealed weapons	12
Form of judgment against concealed weapons:.....	13
Of commitment to H. of corr to be returned to comptroller.....	58
Against unknown owner of impounded animal.....	107
Summons to issue in case of private property taken for public use,....	460
To bring owners of property assessed into court.....	464
Police may serve civil, and warrants without indorsement.....	504
Summons the first, in prosecution under ordinances, etc.....	513
When warrant may issue.....	513
Against nuisances.....	549
Mittimus to reform school.....	563

PROCESSIONS—

Conduct of on bridges.....	7
Prohibited in parks.....	90

PROSECUTING ATTORNEY—

May be appointed and removed.....	99
Salary of—Duties of.....	99, 515
Council may provide to appoint.....	515
Council may prescribe other duties	515

PROSTITUTES—

Council punish.....	405
---------------------	-----

PROVISIONS—

Sale of unsound, penal.....	181
Tainted, etc., not to be sold.....	181
Council regulate inspection.....	406
Cause unwholesome to be seized.....	411
Inspection of building for unsound...	546

PUBLIC BUILDING—

Council establish etc.....	404
In charge of board of public works except school houses.....	434
Application for, how made.....	441
Repairs of, chargeable to general fund	455
Penalty, injuring.....	455
Council levy tax, for.....	471, 492

PUBLIC GROUNDS, see also *Parks and Public Grounds*.—

Council prevent encumbering.....	405
Regulate planting of trees in.....	407
B. of public W. in charge of.....	432
Council lay out etc.....	440
Application for, how made.....	441
Council order sewers, in.....	452
Penalty, injury to.....	455
Council levy tax to purchase.....	471
Board of public works and council act in constructing fountains in...	523

PUBLIC HOUSE—

Liable for porter or runner.....	103
Porter or runner for, to be licensed..	103

PUBLIC IMPROVEMENT—

Council levy tax for permanent.....	492
-------------------------------------	-----

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS—

Power in council to order.....	440
Expenses of, how paid.....	440
Proceeding upon application for im- provement	441
Proceeding to open streets.....	441
Assessment for condemning realty and widening river.....	442
Oath of commissioners, notice of and proceeding.....	442
Several notices in one advertisement	442
Appraisal of damages and benefits...	443
What assessment must show.....	443
Offset of prior donation.....	443
Valuation and sale of buildings.....	443
Award to be made to each interest in land.....	444
Damages, how assessed.....	444
Return of assessment roll and pro- ceedings.....	444
Appeal from confirmation.....	445
When condemnation complete and when damages paid.....	446
When possession taken.....	446
Effect of proceeding upon contracts..	446
“ “ “ where part of leased premises taken.....	446
Record of condemnation proceedings	447
Deepening, etc., river.....	447

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS, *Continued*—

Assessment for improvements, gas and water pipe, how made.....	447
Assessment on railway companies...	448
“ for gas and water service pipes, how made.....	448
Basis of assessment for streets.....	448
Proceeding “ “ “	449
Basis of “ “ “	449
Improvement before assessment.....	450
Oath and meeting of commissioners..	450
Return of, and proceeding on, as- sessment roll.....	450
Repaving, etc., how paid.....	450
Owners, etc., responsible for condi- tion of sidewalks.....	451
Assessment and suit for certain im- provements.....	451
Contracts for construction of side- walks.....	452
Council change dock lines, erect lamps, lay gas and water pipe.....	452
Application for, how made.....	452
Council order sewers, etc.....	452
Application for, how made.....	453
Nuisances, removed, cost of how col- lected.....	453
Assessment for cost removing nui- sance.....	453
Owner to pay cost.....	453
Guardian for infant owners of prop- erty.....	453
Certiorari, how allowed.....	453
Second assessment, when.....	454
Lien of assessment.....	454
Commissioner board of public works not act if interested.....	454
River improvement by general tax...	454
When improvement from general fund.....	455
Construction of bridges by individ- uals.....	455
Penalty for injury to public property	455
Improvement of Michigan avenue....	456
Encroachment on lake front prohibi- ted.....	456
Land added to Lincoln park.....	457
Consistent acts continued in force...	457

PUBLIC LIBRARY, see *Library*.

PUBLIC PROPERTY—

Council control.....
Board of public works in charge of.....
Penalty, injury.....

PUBLIC SCHOOLS, see *Schools*.PUBLIC SQUARE, see also *Parks*—

Occupancy, by city and county...
Basis of contract for, stated.....
Contract executed.....
Council lay out and ornament..

PUBLIC SQUARE, Continued—

- Purchase, etc. of, chargeable to general fund..... 455
- Penalty injury to..... 455
- Council levy tax to purchase for..... 471
- Board of public works and council construct fountains in..... 523

PUBLIC WORKS—

- When and how proposals called for.. 433
- When suspension of work by contractor, how proceed..... 434

PUMPING WORKS—

- Board public works may construct... 532

PUMPING WORKS OF CANAL—

- May be used to cleanse river..... 539

PUMPS—

- Council regulate public..... 406

PURCHASERS—

- Right of, at auction sales..... 4
- Rights of, of coal..... 10
- Rights of, of hay..... 47
- Who may not be, at pound sale..... 108
- At tax sale, recovery on certificate, where tax was paid..... 421, 467
- City may be at tax sale..... 468

Q.**QUALIFICATION OF OFFICERS, see Officers, Qualifications of.****QUARANTINE—**

- Stations, etc., may be established when..... 51
- Rules of ingress and egress..... 52
- Persons in charge of stations to enforce..... 53, 54
- Physicians, nurses, etc., how appointed and paid..... 53
- Council make, laws..... 405
- Vessels sent to, when..... 546

QUARRY STREET—

- Chi., Alton & St. Louis R. R. Co. may cross..... 255

QUORUM—

- Appraisers of school lands..... 118
- Of aldermen in council..... 401
- Of board of public works..... 432
- Board of assessors..... 479
- Board of equalization..... 494
- Board of police..... 500
- Guardian, of reform school..... 560
- Appraisers north parks..... 597
- Commissioners of Lincoln park..... 597

RAFFLE—

- Prohibited at shows, etc..... 122

RAGS—

- Deposit of, by sewers. etc., penal.... 121

RAILROADS, see also Depots—

- Penalty entering or leaving cars in motion..... 80

RAILROADS, Continued—

- P., Ft. W. & Chi. R'y warehouse licensed for storage of petroleum... 95
- Who may not solicit passengers on, grounds..... 104
- Rate of speed of, prescribed..... 110
- Penalty for stopping on street crossings..... 110
- Conduct when crossing obstructed by 111
- Lights at night..... 111
- Not to obstruct streets..... 111
- Use of whistle prohibited, when..... 111
- Ringling of bell prescribed, when.... 111
- Sign boards to be displayed..... 111
- Engineer to be supplied copy of chapter 41, ordinances..... 111
- Prohibition of steam escape..... 111
- Flagmen and bell towers—Where to be stationed..... 112
- Penalty for violating ordinances..... 112
- Empty cars not to be on crossings... 112
- Informer against, to receive moiety of fines..... 112
- Carriages not to stand on streets..... 133
- Council prescribe and regulate power 406
- Authorize to lay, tracks in streets, when..... 411
- Assessment against, how made..... 448
- Rolling stock of, how assessed..... 477
- Property, how to be assessed..... 498
- No extension of rights to, by act of February 18, 1863..... 575
- W. Chi. park commissioners construct viaducts over..... 589

CHICAGO, ALTON & ST. LOUIS—

- Authority to lay tracks across streets named..... 255
- Conditions of the grant..... 255
- City to be indemnified..... 255
- Company to employ flagmen..... 256
- Grant qualified by general ordinances 256
- Right in council to repeal or modify. 256
- Express conditions of grant..... 256
- Company to improve streets..... 256
- Forfeiture of franchise provided for 256
- When ordinance in force..... 256
- Granting to, certain privileges of the Joliet & Chicago R. R. Co..... 256
- Allandale & Coal Mining Co. connect with..... 315
- Bell & Turner connect with..... 316
- E. Evans & Co. connect with..... 319
- James H. Laughlin connect with..... 321
- Steele & Taylor connect with..... 326
- Its bridge over Healey Slough declared a nuisance..... 337
- Required to remove bridge..... 338

CHICAGO AND ALTON—

- Agreement as to improvements on Archer Avenue defined..... 256
- Compromise proposed and accepted.. 256

RAILROADS, *Continued.*

CHICAGO & CANADA SOUTHERN AND
CHICAGO & ILLINOIS RIVER—
Right of way granted on conditions.. 258
Board of public works to supervise
work..... 258
Company may use steam or animal
power..... 259
Right to depress tracks, erect bridges
and viaducts..... 259
General ordinances to apply..... 259
Indemnification to the city..... 260
Condemnation proceedings to be
prosecuted..... 260
Connections to be allowed..... 260
Joint use of tracks to be allowed.... 260
Forfeiture of franchise, when..... 261
Compensation to property owners.... 261
Viaduct to be built at Archer avenue.. 262
Reservation of right to other com-
panies..... 262
CHICAGO & EVANSTON—
Right of entrance on track of Chi-
cago and Pacific R. R. Co..... 279
Connection reserved for on track of
Chicago and Pacific R. R. Co..... 280
CHICAGO & GREAT EASTERN—
Authority to lay track on Kinzie st.... 295
Also on other streets adjacent..... 296
Rights, on Carroll street..... 296
As well as on Halsted street and
eastwardly thereof..... 296
With right to use steam power..... 296
Grant subject to ordinances..... 296
Improvement of streets provided for 296
Indemnity to city..... 297
CHICAGO & MILWAUKEE—
Connection with Galena C. Union,
authorized..... 269
Part of 1st and 2d streets and of
alley, vacated..... 270
Reversion to the city..... 271
CHICAGO & MISSISSIPPI—
Connection with Chi. & R. I. R. R.,
authorized..... 252
CHICAGO & NORTH-WESTERN—
Permission to enter city on Kinzie
street..... 268
Temporary track on Fulton street... 268
Right to construct road east from
north branch..... 268
Bridge on line of Kinzie street..... 269
Parts of First and Second streets and
alley, vacated..... 270
Reversion to the city..... 271
Streets in west division, vacated.... 271
Reversion to the city..... 272
Provision for change of dock lines... 272
To accept ordinance allowing tracks
by the Chicago, St. Paul & Fond
du Lac R. R. Co..... 310

RAILROADS, *Continued.*

CHICAGO & NORTHWESTERN—
Viaduct on Halsted street over track 364
Viaduct on Canal street..... 364
Viaduct on N. Clark street..... 364
CHICAGO & PACIFIC—
Authorized to operate road by steam 277
General ordinances qualifying grant 278
City to be indemnified from loss..... 278
Proceed'g to compensate for damages
to be instituted..... 278
Connections with track provided for. 278
Rights of other roads reserved..... 279
Right of Chicago & Evanston R. R.. 279
CHICAGO & ROCK ISLAND—
Connection with Chicago & Missis-
sippi R. R. Co. authorized..... 252
Lay tracks on Van Buren street..... 280
Authority to lay track on own land.. 281
Construct bridge at Van Buren street 281
Use of steam power allowed..... 281
Manner of laying track stated..281, 282
Authority to lay track northward.... 281
Extension to Kinzie street..... 281
May use track first laid down..... 282
Indemnification to city.....282, 283
Additional track on Clark street..... 282
CHICAGO, BURLINGTON & QUINCY —
Permission to lay tracks on certain
streets..... 263
Also on other streets, to connect
with St. Charles & Miss. Air line 263
Track in North street authorized..... 264
Steam power authorized.....264, 265, 266
Tracks authorized in Brown st...264, 265
Company to repair sts, etc..264, 266, 267
Preferences as to lumber yards pro-
hibited..... 266
Additional tracks allowed..... 266
Rights of other companies..... 267
City to be held harmless..... 267
Grant qualified by ordinances..... 267
Duration of franchise..... 267
Certain submerged lands on lake
shore granted to..... 290
Consideration to the city for..... 290
City to quit claim..... 291
Same repealed..... 616
I. R. Diller connect with..... 318
Gould Bros. & Co., and Aultman
& Co., connect with..... 320
T. W. Harvey connect with..... 320
Viaduct over track, at Halsted street 364
CHICAGO, DANVILLE & VINCENNES—
Right to use track of Columbus, Chi-
cago & Indiana Central..... 300
CHICAGO, ST. CHARLES & MISSISSIPPI
AIR LINE—
Permission to lay tracks across
streets, W. division..... 250
Also temporary track..... 250

RAILROADS, *Continued.*CHICAGO, ST. CHARLES & MISSISSIPPI
AIR LINE—

Speed of locomotive engines pre-	scribed.....	251
Conditions of the franchise.....		251
Amendment of the grant.....		251
Speed of locomotive engines pre-	scribed.....	252
Right to construct bridge at Twelfth	street.....	252
Chicago, B. & Q. R. R. Co. connect	with.....	263

CHICAGO, ST. PAUL & FOND DU LAC—

Right to lay track between Van Bu-	ren and Kinzie streets, etc.....	304
Also on Water and Canal streets....		304
Authority to construct tunnels,	etc... ..	304
Other companies may enjoy fran-	chise	305
Construction of depot provided for..		305
Steam power may be used.....		305
City to be indemnified.....		305
Grant subject to ordinances.....		305
Bond to be given.....		305
Time extended in which to execute	bond	306
Temporary track in Lake and other	streets.....	308
Flagmen at crossings.....		309
Depot to be built.....		309
Track to be removed, when.....		309
Mode of use of track in Lake street		310

COLUMBUS, CHICAGO & INDIANA CEN-
TRAL—

Authority to put down tracks in	streets named.....	298
Right to use steam power.....		298
Duty to build certain viaducts.....		298
Right to use depot place, when.....		299
Grant subject to ordinances.....		299
City to be saved harmless.....		299
Further conditions of grant.....		299
Rights of other roads in track.....		300
To build a bridge.....		300
Other roads have right to use track..		300

FORT WAYNE & CHICAGO—

Authority to lay track in street west	of Clark street.....	302
And to use other lands.....		302
Steam power to be used.....		302
And build tunnel or bridge.....		302
May operate horse cars, when.....		302
Indemnification to city.....		303

GALENA & CHICAGO UNION—

Contract with concerning State street	bridge, ratified.....	272
Grade of Wolcott (N. State) street,	fixed.....	272
Conditional vacation of alley.....		273

RAILROADS, *Continued.*

GALENA & CHICAGO UNION—

Contract of city and company refer-	red to.....	273
Agreement with city as to sewerage	on Mitchell street, etc.....	276
L. Newberry & Co. connect with.....		323

ILLINOIS & WISCONSIN—

Authority to lay tracks subject to	reserved rights of the city.....	283
------------------------------------	----------------------------------	-----

ILLINOIS CENTRAL—

City joins with, to secure branch	road.....	284
Authority to enter city.....		284
Width of space from Twelfth to	Randolph street.....	285
Authority to fill in lake basin.....		285
Side track and extension allowed....		285
Use of tracks subject to regulations	of council.....	286
Fences to be built, etc.....		286
Breakwater to be erected.....		286
Encroachment on lake park pro-	hibited.....	287
Look out (over Lake Michigan) not to	be obstructed.....	287
Culverts through breakwater.....		287
Connection with C. & R. I. R. R. Co.	provided for.....	287
Use of land south of north line of	Randolph street granted in perpe-	tuity
		288
Plans of bridge at North Water street	approved conditionally.....	288
City to supervise work and be kept	harmless.....	288
Grants to and rights of, confirmed...		289
Certain submerged lands on lake	shore granted to (conditionally)...	290
Consideration to the city for.....		290
City to quit claim.....		291
Conditions of the (last) grant to.....		291
The same repealed.....		616
Grant for depot on part of Douglas	place.....	291

JOLIET & CHICAGO—

Permission to introduce road by	Archer road (avenue) condition-	ally.....
		253
Contract to be executed.....		253
City officers superintend work.....		253
To indemnify city.....		253
Other conditions of franchise.....		253
Duty of company as to side tracks...		253
And as to maintenance of bridges....		253
Part of De Puyster street vacated	for use of.....	254
Reservation to the city.....		254
Company required to macadamize	part of Archer road.....	254
Board of P. works to enforce.....		255

RAILROADS, Continued.**JOLIET & CHICAGO—**

- By amendment of title certain franchise granted to Chicago, Alton & St. Louis R. R. Co..... 256
- Agreement with as to improvement of Halsted street defined..... 256
- Chas. Rietz & Bros. connect with.... 324
- W. H. Swett & Co. connect with.... 327

LA SALLE & CHICAGO—

- Authority to occupy streets..... 632
- Motive power designated..... 632
- Duty as to viaducts and crossings... 633
- Grant subject to ordinances..... 633
- Indemnity to city..... 633
- Conditions of the franchise..... 633

MICHIGAN CENTRAL—

- Certain submerged land on lake shore granted to (conditionally)..... 290
- Consideration to the city for..... 290
- City to quit-claim..... 291
- Lake shore act repealed..... 616

MICH. SOUTHERN & NORTH. INDIANA—

- Authority to lay track on Clark street 282
- Indemnify city..... 283
- Authorized to lay track between Twenty-second and 16th streets... 292
- To use steam power under conditions 292
- Acceptance of last ordinance relinquishes rights on Clark street.... 292

MILWAUKEE & ST. PAUL—

- Right to use track of Columbus, Chicago & Indiana Central..... 300

NORTHERN—

- Authorized to lay track in streets named..... 293
- To bear part in improvement of those streets..... 293
- Manner of laying track..... 294
- Indemnify city..... 294
- Employ flagmen..... 294
- Conditions of the grant..... 294
- Forfeiture, when..... 294
- Franchise to extend to successors.... 295

PITTSBURGH, CINCINNATI & ST. LOUIS—

- Conditional use of sidewalk on Carroll street..... 297

PITTSBURGH, FORT WAYNE & CHICAGO—

- Part of De Puyster street vacated for use of..... 254
- Interest of city reserved in street.... 254
- Lay tracks in streets named..... 303
- Right to lay tracks between Van Buren and Kinzie streets, etc..... 304
- Also on Water and Canal streets.... 304
- Construct tunnels, etc..... 304
- Other companies may enjoy franchise 305
- Construction of depot provided for..... 305, 309, 311
- Steam power may be used..... 305
- City to be indemnified..... 305

RAILROADS, Continued.**PITTSBURGH, FORT WAYNE & CHICAGO—**

- Grant subject to ordinances..... 305
- Bonds to be given 305, 309
- Lay temporary track, Van Buren to Randolph street..... 305
- Company to keep part of Canal street in repair..... 305
- Grant subject to prior ordinance.... 305
- Authority to lay temporary track in Canal street and keep in repair... 305
- Prior ordinances to control this grant 305
- Bond for use of lot owners..... 305
- An ordinance (same subject) repealed..... 305
- Temporary track in Lake, Randolph and Madison streets..... 305
- Flagmen to be at crossings..... 305
- Track to be removed, when..... 305
- Use of temporary track prescribed.. 305
- Condition on which grant, take effect 305
- Grade at tunnels established..... 305
- May cross Van Buren street at (then) present grade..... 305
- Vacation of part of Monroe street for depot..... 305
- Permission to lay track on Lumber street..... 305
- Track on Stewart avenue..... 305
- Limitations of ordinance..... 305
- Company keep street in repair..... 305
- Ferry & Son connect with..... 305
- Munn & Scott connect with..... 305
- Wahl Bros. & Lighthall connect with 305
- To aid in construction of tunnel.... 305
- City convey right in part of Adams street..... 305

PRIVATE TRACKS—**ALLANDALE AND COAL MINING Co.—**

- Operate track on Bates street..... 305
- Term and conditions of franchise.... 305
- Duty as to streets..... 305

BELL & TURNER—

- Track to connect with Chicago & St. Louis..... 305
- Bond and conditions..... 305

CHARNLEY BROS. & Co.—

- Operate track on Cologne street..... 305

CHICAGO PLATE AND BAR MILL Co.—

- Franchise of Edwin Evans & Co. given to..... 305
- On north side of Thirty-first street... 305

I. R. DILLER—

- Operate track on Union street..... 305
- Conditions and term of franchise..... 305
- Repair of street..... 305
- Who may use track..... 305

E. EVANS & Co.—

- Operate track on Thirty-first street.. 305
- Conditions of grant..... 305
- Removal of track, when..... 305

RAILROADS, *Continued.*

FERRY & SON—

- Operate track on Lumber street..... 319
Term of franchise..... 320

GOULD BROS. & Co.—

- Operate track on Beach street..... 320
Term and conditions of franchise..... 320
Repair of street..... 320

T. W. HARVEY—

- Operate track to connect with C. B.
& Q..... 320
Term of franchise..... 321

JAS. H. LAUGHLIN—

- Operate track across Grove street.... 321

E. MENDSEN Co.—

- Operate track across Twenty-second
street..... 322

MUNN & SCOTT—

- Operate track..... 323

L. NEWBERRY & Co.—

- Operate track in North Market st.... 323

CHAS. RIETZ & BRO.—

- Operate track in Stewart avenue..... 324

SALT CO. OF ONONDAGA, ETC.—

- Operate track in Lumber street..... 324
Conditions..... 324
Limit of franchise..... 324
Improvement of street..... 325

SOUTH BRANCH CANAL Co.—

- Operate track..... 325
Erect depots, etc..... 325
Join in use of bridge and tracks..... 325
May use steam power..... 325

STEELE & TAYLOR—

- Operate track..... 326
Condition of grant..... 326

W. H. SWETT & Co.—

- Operate tracks between Eighteenth
and Nineteenth streets..... 327
Conditions 327
Council may repeal..... 327

THOMAS WILCOX & Co.—

- Operate track on Bates street..... 327
Board of public works supervise..... 328
Duration of franchise..... 328
Ordinances control franchise..... 328
Council may amend, etc..... 328

WM. E. TUCKER & Co.—

- Operate track across Egan avenue... 328
Conditions of grant..... 328
Amendatory of last..... 329

E. H. & J. S. TURNER—

- Operate track across Lumber street.. 329
How to lay..... 329
Improvement of street..... 329
Conditions of grant..... 329

WAHL BROS. & LIGHTHALL—

- Operate track, Twenty-sixth and
Twenty-seventh streets..... 330
Not to obstruct travel..... 330
Duration of franchise..... 330

RAILROAD CONDUCTOR, *see Conductor.*RAILROAD CROSSING, *see Streets.*

RAILROAD TRACKS—

- Chi. & Ca. South. etc. R. R. Co. to
allow connections..... 260
Chi., B. & Q. R. R. Co. to grant joint
use of certain..... 267
Chi. & Pac. R. R. Co., connections
with..... 278
Col., Chi. & Ind. Cent. R'y to sink,
along Rockwell street..... 298
Joint use of, of Col., Chi. & Ind.
Cent. R'y Co..... 300
Joint use of P., Ft. W. & Chi. tracks,
etc..... 305
Of P., Ft. W. & Chi., used only for
passengers 306
Council locate and prescribe..... 406
B'd of pub. w'ks not to allow, in
streets..... 432
How used by other companies..... 576

RAILWAY, *see also Horse Railroads—*

- Council prescribe and regulate
power..... 406
May allow dummies on street,
when..... 412
Last power amended..... 413
Assessment against, how made.. 448
Rolling stock of how assessed..... 478

RAILWAY CARS—

- On horse railway, north and south
division, best class in use..... 189

RAILWAY TRACKS—

- Allowed to be laid in Chicago south
and west division..... 188
How to be laid..... 189, 196, 198
City may purchase when..... 190
Terms of the purchase..... 190
Of North Chicago Railway Com-
pany remain ten years..... 201
Penalty for obstructing..... 203

RANDOLPH STREET—

- Hack stand on, between LaSalle and
Clark..... 141
Chi. C. R'y lay track in..... 194
Ills. Cent. R. R. may run to..... 285
Land, south of north line of, granted
to Ills. Cent. R. R. Co..... 288
Pittsburgh, Fort Wayne & Chi. R. R.
Co. lay temporary track..... 308

RATES OF FARE—

- Of vehicles established 189
Horse R'y, west and south division
established..... 189, 217
Chargeable by Chi. City R'y Co.. 196, 220
Chargeable by N. Chi. R'y Co... 199, 214
Cars on Randolph street, to city limits 223
Council regulate of hackmen, car-
men, etc..... 403
Established for dummy cars 411
Established for railway cars..... 411

READING ROOM, see Library.**REBECCA STREET—**

- Right of La Salle & Chi. R. R.
Co. on..... 632

RECONSIDERATION—

- Of action of council, how had..... 402

RECORDER'S OFFICE—

- Free access of tax commissioner to
records..... 476
Not record deeds, etc., before
examined by tax commissioner..... 482
File map of park land taken..... 588, 590
Record of delinquents on park assess-
ments, notice of lien..... 615
Map of realty annexed to city, etc.,
to be recorded in..... 617
Proceedings to annex or exclude
realty recorded in..... 618

RECORDING LAW—

- Plats not recorded until approved,
how..... 431
All deeds, etc. endorsed by commis-
sioner of tax before record..... 482

RECORDS—

- Of city officers, etc. open to mayor.. 394

DESTROYED, ETC.—

- Tax roll, etc. procedure to collect
on..... 487, 488

TO BE KEPT, see also Recorder's Office.—

- By junk dealers, etc..... 70
By pawnbrokers..... 92
Inspection of mineral oils..... 96
By council, casting lot on tie vote in
election..... 387
By clerk, of official bonds..... 391
Proceedings of council by clerk..... 395
Ordinances by clerk..... 395
City attorney of law proceedings..... 396
Of vote on money ordinance..... 402
Of vote on vacation of street..... 410
Of vote on appropriating money for
celebrations..... 410
Of vote on granting use of streets to
railways..... 411
Of vote on letting contract to repair
streets..... 411
Superintendent house of correction.. 412
Horse railway Co's of receipts..... 413
Of comptroller's bond, by clerk..... 416
By comptroller of receipts, etc..... 415
Of treasurer's bond..... 419
By collector..... 420
Of collector's bond, by clerk..... 420
Comptroller's, of bonds..... 424
Comptroller's, of loans from funds. 426
B'd of Ed., of bonds retired..... 427
Of land surveyors' licenses..... 431
Proceedings, board of public works 432
B'd of pub. w'ks, of accounts..... 439
Proceeding, board of public works to
improve streets, rivers, etc..... 447

RECORDS, Continued.**TO BE KEPT—**

- Vote of council changing assessment
districts..... 476
Of taxable persons and property..... 476
Of annual assessments (tax list)..... 479
Vote on changing manner of assess-
ing..... 480
Tax com'r of all deeds, etc., for record 482
County treasurer as etc. of moneys
collected..... 488
Final tax list..... 494
Vote of council on increase, police
force..... 501
Of property found or stolen..... 507
Complaint and other books, by board
of police..... 507
Police court clerk's dockets, etc..... 514
Investigation as to cause of fire..... 518
B'd of police as to fire department.. 520
Board of public works of issue of
water bonds (Act Feb. 13, 1863)... 526
Comptroller of outstanding bonds,
(Act February 13, 1868)..... 526
Of water assessments..... 527
Of issue, etc., of sewerage bonds..... 536
All proceedings B'd of education..... 536
Of visits of guardians to reform school 561
Of receipts, expenditures, etc., re-
form school..... 561
Rules and orders, insp'rs H. of Corr 568
Of all accounts, etc., of H. of Corr.. 569
Discipline at house of correction.... 571
S. park commissioners' proceedings 582
City bonds for Lincoln park..... 599
By Lincoln park commissioners of
disposition of bonds..... 599
Order of issue of park bonds..... 610

REDEMPTION—

- Of dogs from pound..... 14
Of animal from pound..... 107
From tax sale, how..... 467, 622
Under sale for tax 1872..... 488
From tax sale under general revenue
law..... 498
Interest on, of land sold under judg-
ment for debt to school fund..... 553

REFORM SCHOOL—

- Sale of improvements authorized.... 331
Concurrence of Cook county..... 331
Acceptance by city of terms..... 332
Guardians of, officers of city..... 385
Commissioner of (repealed)..... 385
Continued in existence—Location
may be changed..... 560
Officers and government of..... 560
Duties of guardians..... 561
Annual report of..... 561
Duties of superintendent..... 561
Commitment to, when, and form of
procedure..... 561

REFORM SCHOOL—

Commitment by courts of record.....	563
Boys, how detained and discharged..	564
“ may be apprenticed—Tickets of leave from.....	564
For girls may be established.....	565
Taxation for expense of.....	471, 565
Mittimus, how drawn.....	565
Parents and guardians may place children in.....	565
Penalty for aiding, etc., escapes from	566
Courts of record only to commit to...	566
Children transferred to Pontiac.....	566

STATE—

Transfer of boys to.....	566
Juvenile offenders to be committed to.....	567

REGISTER—

Effect of default on license register..	72
---	----

REGISTRATION—

Of city bonds provided for.....	5, 424
Form of.....	6
Of dogs.....	13, 14
Licenses to vendors of gunpowder, etc.....	39
City weigher of all hay weighed.....	46
Commitments to House of Corr.....	58
Inspector of gas meters, of state of meters.....	68
Of inspector of steam boilers, etc...	66
Pound keeper to register animals impounded.....	107
Liquor licenses granted.....	128
Sealer of weights, etc., of inspec- tions.....	152
Births and deaths.....	180, 406
Of physicians by board of health...	180
Dealers in kerosene, etc.....	188
Of firemen by city clerk.....	517
Board of public works, of sewerage bonds filed.....	536
Of park bonds issued, etc.....	584, 603
Of loans by West Chicago park com- missioners.....	595

LEID (JOHN) & CO.—

Exclusive right of slaughtering granted to.....	349
To furnish suitable buildings, etc....	349
Keep premises clean.....	350
Compensation of, for slaughtering....	350
To keep policeman at house.....	350
Establishment of, open to inspection	350
Give penal bond to city.....	350
Extension of time to build on condi- tions.....	351
Ordinances in favor of, confirmed....	351

RENDERING ESTABLISHMENT—

Not in city without permit.....	82
Offal from, how disposed of.....	83
Not to emit offensive smell, etc.....	84
Penalty for having offensive.....	84

**RENDERING ESTABLISHMENT, Con-
tinued—**

None within limits stated.....	183
Existing establishment, when to be closed.....	184
To obtain permit.....	184
Regulations covering.....	184
To be conducted without offense.....	184
Not to render decayed flesh.....	186
Open to inspection.....	186
Permit forfeited when.....	186
Council locate and regulate.....	404

RENDERING—

Prohibited within four miles.....	547
Machinery to be used in.....	547
Penalty for violation of last two provisions.....	548

REPORT, COMMITTEE OF COUNCIL—

How acted on.....	402
-------------------	-----

REPORTS, REQUIRED—

City attorney's semi-annual.....	9
Pound master's monthly of dogs.....	15
Board of public works, cost of abating wooden building when nuisance...	22
Harbor master's semi-annual.....	41
Weighers' weekly to comptroller....	47
Physicians, forthwith each case of infectious disease.....	50
Householders, each case of infectious disease.....	51
Board of health, expenditure quar- antine fund.....	54
Inspectors of sidewalks and foremen of street labor, of neglect of rail- way companies to repair streets...	56
Board public works of railway com- panies not repairing streets, etc....	56
Policeto return commitments to house of correction.....	58
Superintendent H. of Corr. quarterly	59
Mayor to report removal of inspector of gas meters.....	61
Time table for lighting, etc. public lamps to be furnished.....	62
Inspector of gas meters to report time of testing test lamps.....	62
Inspector gas meters, monthly state of meters.....	63
Watchmen at engine house, use of gas, monthly.....	63
Violation of rules as to lamp lighting	63
Inspector gas meters, return watch- men's monthly.....	63
Inspector gas meters, state of test- lamps.....	64
Inspector gas meters quarterly to common council.....	64
Inspector steam boilers quarterly to common council.....	67
City clerk and collector to report de- linquent licenses.....	72

REPORTS REQUIRED, Continued—

Clerks at police courts, weekly.....	99
Mayor, of his police.....	102
Detailed, of school land appraisers....	119
By sealer of weights, etc., incorrect weights, etc.....	152
Directors of public library annual...	161
Chicago Erring Women's Refuge, annual.....	163
House of The Good Shepherd.....	163
Births and deaths to board of health	180
Coroners', of inquest to board of health.....	180
Of mayor as to removals from office..	393
Of mayor, reasons of veto.....	394
Annual of fish inspector.....	397
Council may require from officers....	402
Railway companies of fares received	413
Comptroller, of defaulters.....	416
Revenue officers to comptroller.....	416
Comptroller, annual of finances	417
“ “ estimates.....	417
“ “ monthly receipts, etc.....	417
Treasurer make monthly.....	418
“ “ annual.....	419
Collectors weekly to comptroller.....	420
“ “ annual to council.....	420
Finance committee on reports of treasury department.....	421
All treasury, under oath.....	422
Comptroller, annual of bonds.....	425
“ “ deficiency to meet interest.....	425
Comptroller of school bonds retired..	427
Board of public works, necessity to prosecute work without contract..	435
Interest of commissioner of board of public works in contract.....	437
Board of public works weekly, water and sewerage receipts.....	437
Board of public works, annual to council.....	432, 438
Board of public works on application for public improvement.....	441
Board of public works to council on street improvements proper, etc...	448
Commissioners to council of cost of improvement.....	449, 462
Collector, of delinquent special assessments.....	466
Board of public works report amount needed for sewerage.....	473, 536
Board of public works report amount needed for water.....	473
Insurance men of receipts.....	474
Of companies, bankers, etc., property list.....	476
Insurance agents semi-annual.....	474
Collector of delinquent tax.....	496
Collector of receipts after return of delinquents.....	497

REPORTS REQUIRED, Continued—

Treasurer to comptroller of tax sale..	497
Captain of police of arrests.....	508
Superintendent of police quarterly..	510
Board of police annual.....	510
Police court clerks daily.....	514
Prosecuting attorneys monthly.....	515
Annual of board of police as to fire department.....	520, 522
Annual of board of public works as to water, etc.....	529
Of board of public works as to issue of sewerage bonds.....	535
B'd of pub. w'ks sum to pay interest	536
Also for sinking fund.....	536
Also for salaries, sewers, etc.....	536
Treasurer's weekly, of receipts on sewerage tax.....	537
Annual, as to condition of sewers...	537
Regulations to govern sewers and drains.....	538
Annual, of board of health.....	543
Periodical, of mortality.....	545
Of inspection of vessels and buildings and vessels for contagious disease, etc.....	546
Health officer, of rendering contrary to law.....	548
Quarterly to council of school agent	552
Monthly to board of education of school agent.....	552
Annual, of directors of library.....	557
Annual, of guardians of reform school.....	561
Quarterly, of Insp. of H. of Corr...	569
Annual, of Insp. of H. of Corr.....	569
Superintendent of house of correction of removal of employe.....	569
To treasurer, etc., appointment auditor S. park commissioners.....	584
To county clerk of park assessment paid by bonds.....	585
Appraisal of north park lands.....	597
Assessment for Lincoln park drive...	598
Annual, of north park commissioners as to bonds issued.....	599
Annual, of commissioners Lincoln park.....	600
Annual, of com'rs of parks 610, 612, 616	
RESERVOIRS—	
Council regulate.....	406
B. of pub. w'ks construct water	523, 524
Also for sewerage purposes.....	532
RESOLUTION OF COUNCIL—	
Mayor may veto.....	394
RIETZ (CHAS.) & BROS.—	
Operate track on Stewart avenue.....	324
RIGHT OF WAY—	
How acquired by Chi. City R'y Co....	192
How by the Chicago & Evanston R. R. Co.....	230

RIGHT OF WAY, Continued—

- Granted to Lake View Avenue Co..... 243
 For sewers by park commissioners,
 how obtained..... 614

INGGOLD PLACE—

- Railway track in, allowed..... 188

IOT—

- Penalty for..... 80
 Council prevent..... 404
 Special patrolmen appointed in
 case of..... 506
 Board of police may call upon fire
 police to aid in case of..... 518

IVER—

- Bridges over, regulations of..... 7
 Discharge of gun-powder, etc. on,
 where prohibited..... 40
 Penalty for leaving cargo projected.. 44
 Rules for navigating, prescribed..... 44
 Deposit of earth, etc. in, prohibited 45
 Deposit of unwholesome substances
 in, prohibited.....50, 83
 Cutting ice in, regulated..... 79
 Bathing in, where prohibited..... 81
 Obstruction of, a nuisance—Penalty 85
 Dragging anchors in, prohibited..... 113
 Tugs not to tow vessels dragging
 anchors..... 113
 Bridge at State street, authorized..... 159
 Bridge at Twenty-second street to be
 constructed..... 160
 Dock lines at Twenty-second street
 established..... 160
 Pier at mouth of, extended..... 178
 Connection between R'y Co's. at
 center..... 209
 Channel in connection with H. of
 Corr. to be dredged..... 237
 Chi., St. Charles & Mississippi Air
 Line may build over, south of
 Twelfth street..... 252
 Chicago & Canada Southern railroad
 to cross by bridge..... 258
 Contract as to bridge at State street.. 272
 Chi. & Pacific R. R. Co. etc. swing
 bridges over..... 277
 Bridge at Van Buren street..... 281
 Ill. Cent. R. R. Co. cross by bridge
 to North Water..... 286
 Plan, Ill. Cent. R. R. bridge approved 288
 Col., Chi. & Ind. Cent. R'y Co. to
 build bridge over..... 300
 Ft. Wayne & Chi. R. R. Co. build
 bridge or tunnel..... 302
 U. S. Tel. Co. construct lines under.. 356
 Authority to construct La Salle street
 tunnel under..... 357
 Tunnel at Washington street.....358, 360
 Council may lease wharfing privi-
 leges of..... 403
 Council prevent obstructions in..... 403

RIVER, Continued—

- Deepen or widen..... 403
 Jurisdiction of city over 404
 Council regulate bathing in..... 405
 Council build bridges over..... 407
 Council settle damages for widening. 413
 Bonds for improvement..... 428
 Board of public works in charge of
 improving..... 432
 No drain into without permit..... 433
 Work on, without contract when.... 435
 Council improve, expense how paid. 440
 Application for improvement of, how
 made..... 441
 Proceeding upon order to widen,
 etc.....441, 442
 Assessment made for improvement of 447
 Proceeding when dock line ordered
 changed..... 449
 Council change dock lines on..... 452
 On report of board of public works
 council order improvem't of, by tax 454
 Tax for improvement.....471, 492
 Insurance rates for improvement..... 475
 Board public works lay water pipes
 across..... 528
 Also drains..... 532
 And connect, with lake..... 532
 Council may build tunnels under.... 538
 Plan for cleaning, how adopted..... 540
 No drainage into without permit..... 541
 City may contract with canal trustees
 to deepen canal to improve..... 541
 Council may widen..... 631

NAVIGATION OF—

- Vessels not to approach closed bridge 8
 Bridges open for vessels ten minutes 8
 Bridges not to be obstructed..... 43
 River to be kept free for passage..... 43
 Speed of vessels at bridges..... 43
 Vessels to be towed at bridges..... 43
 Reasonable time to be allowed for
 opening bridges..... 44
 Rules for..... 44
 Penalty for injury to bridges, etc..... 45
 Canal boats, where not to be moored 338
 Council prescribe speed at bridges... 410
 Board public works not to interfere
 with, in laying water pipe..... 523

RIVER AND CANAL—

- South branch ordered widened..... 332
 Depth of channel at Van Buren st... 338
 Notice to be given of the improvment 333
 Settlement of damages by provided
 for..... 333
 Widening to be prosecuted..... 333
 Appropriation for..... 333
 Approving plan of cutting down ca-
 nal to cleanse river..... 334
 Board of public works contract with
 canal trustees..... 334

CAVENDER, see also *Board of Health*—

Board of health employ.....	114
Notice to be furnished when, will call	114
Penalty for neglect of notice.....	114
Night, take out license.....	114
The conduct of night, regulated.....	115
Duty of owners as to employment of night.....	115
Charge night, may make.....	115
Penalty upon night, violation of ordinance regulating.....	116
Permits to private, revoked.....	181
Day scavengers only collect garbage.....	181
Council contract work.....	411
Work of, let by board of health.....	411

SCHOOL AGENT—

Only disburse donation funds on order board of education.....	117
Authorized to invest in bonds.....	342, 344, 345, 346
Officer of city.....	385
Execute bond to city.....	398
Appointment of—Salary—Removal, etc.....	552
Have charge of school fund.....	552
Subject to penalties, etc.....	552
Quarterly report to council.....	552
Monthly report to board of education	552

SCHOOL AND SCHOOL FUND—

School fund vested in Chicago.....	551
Principal of school fund not to be impaired.....	551
Council lease, erect and furnish schools, supply deficiency in fund, lay off school districts.....	551
School agent—Appointment and bond	552
His duty and compensation.....	552
Quarterly report of agent.....	552
Monthly report to board of education	552
School fund to be loaned—Security..	552
Indebtedness to school fund preferred claim.....	553
Default in payment of interest to school fund.....	553
Interest allowed on judgment in favor of.....	553
Court costs not charged to.....	553
Proceeding as to insecure debts to...	553
School tax fund.....	553
School for free instruction in each district.....	553
Children of other towns in schools...	554
Board education may confer collegiate degrees.....	554
Evening schools and tax for.....	554
Member board of education not receive gifts, etc.....	554
How city property sold and school rents rebated.....	554

SCHOOL & SCHOOL FUND, *Continued*—

New board of education (April 1, 1871) created—Powers of.....	554
Fund not to be perverted—Teachers not to be interested in books.....	557

SCHOOL DISTRICTS—

Council lay off, etc.....	551
One school in each.....	553
Board of education lay off, etc.....	551
May annex and exclude territory, how.....	618

SCHOOL FUND—

Compromise with J. Y. Scammon as to certain deposits.....	341
Investment moneys of, in bonds	342, 343, 344, 345, 346
Issue bonds.....	342, 343, 344, 345, 346, 347
Loan for school houses, etc., authorized.....	343

SCHOOL-HOUSE—

Cleaning of, by inmates house of correction.....	118
Council regulate entrances, etc.....	411
Bonds for construction, how issued and retired.....	427, 428, 472
Exception as to, in manner of improvement.....	441
Council levy tax to construct.....	492
Council erect, etc. and buy sites and furnish.....	551, 556
Board of education and council buy sites and furnish.....	555
Board of education in charge of.....	555

SCHOOL LANDS—

Manner of appraising.....	118
Quorum of appraisers how constituted	118
Appraisers report and how acted on.	119
Who disqualified as appraisers of....	119
Compromise with lessees of.....	348
Effect of greater payment heretofore made.....	348
Improvements on, taxable.....	473
Council manage.....	551
Conveyances, how signed.....	551
Vote of council required to sell.....	554
Vote to abate rent reserved.....	554
Board of education lease.....	556
Sale of, by council.....	556

SCHOOLS, see also *School and School Lands*—

Terms of, prescribed.....	116
High school to be maintained, free...	117
What pupils qualified for.....	117
Normal department to be maintained	117
When pupils can graduate from high school.....	117
Appropriation of donations made to..	117
How school tax fund to be disbursed.....	118
Labor on cleansing schools from house of correction.....	118

SCHOOLS, Continued—

Child not vaccinated not allowed in..	181
Board of education, officers of city...	385
School agent " " ...	385
Superintendent of schools " ...	385
No teacher in or agent of interested in purchase for.....	400
Council levy tax for, purposes....	471, 492
Carried on when deficiency, when...	472
School tax fund only to be paid out when.....	118

SEAL—

Of city established and described...	119
Clerk to keep.....	395

SEALER OF WEIGHTS & MEASURES—

To test scale of city weighers quarterly.....	46, 149
Test annually all weights and measures.....	150
To keep office—Duty as to testing....	150
His fees established	150
When not to test more than annually	151
Register all inspections.....	152
Test peddlers' scales, etc.....	152
Seal all dry measures.....	152
Officer of city.....	385
Appointed by council, when.....	389

SEBOR STREET—

Railway track in.....	216
-----------------------	-----

SECOND-HAND DEALERS—

Council tax and license.....	403
------------------------------	-----

SECOND STREET—

Part of, vacated for railroad use....	270
---------------------------------------	-----

SECRETARY, BOARD OF EDUCATION—

Board of education appoint.....	556
---------------------------------	-----

SECRETARY, BOARD OF HEALTH—

Appointed by board—Duty and salary.....	543
---	-----

SECRETARY, BOARD OF POLICE—

Board appoint and fix salary.....	500
Administer oaths.....	510

SECRETARY, BOARD OF PUBLIC WORKS—

Board appoint and remove.....	430
-------------------------------	-----

SECRETARY, SOUTH PARK COMR'S—

Appointed by comr's and salary.....	582
-------------------------------------	-----

SECRETARY, WEST PARK COMR'S—

Appointment, etc.....	588
-----------------------	-----

SEDGWICK STREET—

N. Chi. R'y Co. lay track in.....	198
-----------------------------------	-----

SERVANT—

Council prohibit sales of liquor to...	403
--	-----

SEVENTEENTH STREET—

Atlantic & Pacific Telegraph Co. poles in	353
---	-----

SEWERAGE—

Agreement as to, at Mitchell street..	276
---------------------------------------	-----

SEWERAGE COMMISSIONERS—

Bonds authorized by, may issue.....	585
-------------------------------------	-----

SEWERAGE WORKS—

Council borrow for.....	411, 537, 540
Bonds for, authorized.....	427, 428, 535
Part salary, b'd pub. w'ks charge on	432
Tax for.....	471, 478, 537
B'd of pub. w'ks have charge of	437, 532
Board of public works examine, etc., for effectual drainage.....	532
Purchase of books, etc., and surveys	532
Construction of sewers and drains...	532
" " to lake.....	532
Purchase of property for.....	533
B'd of pub. works make surveys and agree as to damages for land, etc..	533
Damages, how ascertained.....	533
B'd of pub. w'ks report street grades	533
Connection of drains with sewers...	534
How private drains paid for.....	534
B'd of pub. w'ks locate private drains	534
Private drain from each lot, when...	534
B'd of pub. w'ks regulate privies....	534
Bonds authorized to sewerage commissioners to be issued.....	535
Limit on interest on and sale of bonds	535
Register of bonds to be kept.....	536
Principal and interest of bonds, how met	536
Report of sum needed to pay interest	536
Report of sum needed for sinking fund,.....	536
Report of sum for salaries, etc.....	536
Sinking fund, how invested.....	537
Annual report concerning.....	537
Sewerage accounts separate.....	537
Penalty for injury.....	538
Board public works make rules to govern.....	538
Provision for sinking fund, part of contract with bondholders.....	538
Board of public works may adopt plan cleanse river	539
May contract with canal com'rs.....	539
Power to deepen canal.....	540
May appoint consulting engineers...	540
Additional members board of public works.....	540
Appropriation for cleansing river controlled by council.....	540
Council may construct canal from river to lake.....	541
Ordinances, etc., to be passed to protect works.....	541
Canal to be deepened.....	541
Condemnation of land for deepening canal.....	541
Lien on canal for money expended..	541
State may refund money expended..	541
SEWER—	
Penalty for offensive.....	84
When to be laid, notice to be given...	102

EWER, Continued—

Unauthorized connection with, penal	120
Damage to, penal.....	121
Chicago & Great Eastern R'y Co. to build, in Kinzie street	295
Council abate nuisance in.....	404
Board of public works in charge of..	432
Council order constructed.....	452
Council levy tax to build, etc.....	492
Board of public works use water to cleanse	529
Board of public works lay, in streets and across river, etc.....	532
Report, annual, as to condition of....	537
Penalty, injuring.....	538
Board of public works make rules to govern.....	538
Proceeding by park commissioners to construct.....	618
Park commissioners to construct to connect with private drains.....	618

EWERS AND DRAINS—

Notice to be given of opening streets for.....	120
Excavating for, without permit, penal.....	120
Making unauthorized connections, penal.....	120
Also unlicensed changes.....	121
Board of public works to supervise..	121
Obstruction of, prohibited.....	121
Deposit of garbage, etc. by, prohibited.....	121
Board of public works to enter premises to examine.....	121
Injury to, penal.....	121

HAVINGS, ETC.—

Penalty for neglect to remove.....	22
Not to be strewn on streets.....	22
Where not to be burned.....	24

HEDS—

How to be built.....	21
----------------------	----

HEEP—

At large, impounded.....	106
Not driven into lake near water w'ks	146

HOOTING GALLERY—

Not to be kept for gain except under penalty.....	77
Owner of building in which, is liable	77
License to keep, issued by mayor....	77

HOWMEN, see *Obscene Exhibitions*—

Council regulate and license.....	404
-----------------------------------	-----

HOWS—

License fee of, to be paid to city collector.....	72
To be licensed.....	122
Mayor to charge for and issue license	122
Penalty for not taking license.....	122
Gambling, etc., under cover of, or in connection with, prohibited.....	122
Unlicensed, penal.....	123

SHUFFLE BOARD—

Keeping of, prohibited.....	77
Penalty visiting, etc., place where...	78

SIDEWALKS—

Fire apparatus not to be drawn on...	35
Inclination of, prescribed.....	38
Exposing tied animals on, a misdemeanor.....	76
Penalty for leaving open cellar door in, etc.....	79
Bill posting on, prohibited where....	80
Use of, by peddlers allowed.....	94
Manner of their construction, width of prescribed.....	123
Grade of, to be established by council.....	123
Duty of property owner, etc., to charge, etc.....	124
Porches, stair railing, etc., limit of extension.....	124
Bow windows, etc., limit of extension over.....	124
Signs and awning posts on, regulated	124
Covering and elevation of awnings over.....	125
Space allowed for exhibition of goods	125
Not to be obstructed by delivery of goods.....	126
Auction, etc., upon prohibited.....	126
Hitched horses not to obstruct.....	126
Hitching rings to be placed at curb..	126
Driving on, penal.....	127
Not to be obstructed by vehicles.....	127
Snow and ice to be removed from....	127
Obstructions on, to be removed.....	127
Curbstones set to be backed.....	127
Not to be torn up without permit...	135
Penalty injuring trees on.....	135
Railway tracks not within twelve feet of.....	188, 198
Use of, on Carroll street by P. Cin. & St. L. R. R. Co.....	297
Council prevent encumbering.....	405
Compel removal snow, etc., from....	405
Prevent noises, etc., on.....	405
Council control, etc.....	407
Board of public works control.....	482
Proceeding against non-residents for defective.....	436
Council lay down and repair.....	440
Applications for improvement, how made.....	441
Proceeding on order to improve	449, 451
Owners and occupants responsible for condition of.....	451
Board of public works contract for, when	452
Notice to owner of change, etc., of sidewalk.....	462

SIGNALS—See *Vessel Signals*.

SIGNS—

- On houses where small-pox..... 49
- Over railroad tracks.....111, 252
- No sign posts on sidewalks..... 124
- House numbers prescribed..... 182
- Street, to be erected..... 182
- On vehicles..... 188

BUSINESS—

- For vendors of gun-powder..... 89
- For vehicles carrying gun-powder.... 40
- For junk dealers..... 70
- On peddlers' vehicles..... 94
- Card for porter or runner..... 104
- Night scavengers..... 115

SINK—

- Penalty for offensive..... 84

SINKING FUND—

- School construction bonds..... 471
- Liquidation general bonded debt..... 472
- Council levy tax for, when..... 492
- How invested.....492, 537
- Board of public works report sum necessary for not exceeding 2 per cent. of bonds..... 536
- Sewerage, how invested..... 537
- Provision for sewerage, part of contract of bond..... 538
- To pay canal extension bonds..... 540

SINKS—

- Council fill up, etc..... 408

SIXTEENTH STREET—

- Lake Shore & Michigan Southern R. R. lay tracks between and Twenty-second street..... 292

SKIMMED MILK, see *Milk*.SLAUGHTER HOUSE, see *Slaughtering*—

- Penalty for offensive.....84, 184
- Council locate and regulate... ..404, 418
- None within limits stated.....183, 350
- To obtain permit..... 184
- Open to inspection..... 186
- Permit forfeited, when..... 186

SLAUGHTERING, see also *Slaughter House*—

- Establishment not without permit.... 82
- Offal from, how disposed of..... 83
- Meat from slaughter houses to be covered in wagon..... 181
- Regulated..... 184
- Exclusive right of, to John Reid & Co 349
- Reid & Co. to erect suitable house, etc..... 349
- Keep premises clean..... 350
- Other slaughter houses in city prohibited..... 350
- Compensation chargeable..... 350
- Establishment open to inspection.... 350
- Liability of city limited..... 350
- Bond to be executed to city..... 350
- Forfeiture of franchise, when..... 351
- Extension of time to complete bldgs. 351

SLAUGHTERING, *Continued*—

- Similar extension as to other slaughter houses..... 351
- Amendment not affect obligation of J. Reid & Co..... 351
- Precedent conditions of ordinance... 351
- When ordinance in force..... 351
- Prior ordinances confirmed..... 351
- Confirmation of contracts..... 352

SLIPS, see *Wharfs*.

SMALL-POX—

- Board of health to prevent spread of 48
- Sign on house where it prevails..... 49
- Patients may be forcibly removed... 184
- Vaccination of pupils in schools..... 181
- Also in infected houses..... 186

SNOW—

- To be removed from sidewalk..... 127

SOAP BOILER—

- Penalty letting offal flow, etc..... 83
- Penalty for offensive premises..... 84

SOAP FACTORY—

- None within limits stated..... 183
- To take out permit..... 184
- Council abate nuisances in..... 404

SOAP-GREASE—

- Condensers, etc., to be used in manufacturing 547

SOUTH BRANCH CANAL CO.—

- Operate track between Air line and South street..... 325

SOUTH CHICAGO—

- Town tax authorized 472

SOUTH DIVISION—

- Grades north of Twenty-second street..... 29
- Grades south of Twenty-second north and east of Halsted..... 30
- Police court located..... 98
- Pound to be established in..... 106
- Pound limits of, established... .. 106
- Pound-keeper to be appointed for... 110
- When pipes, sewers, etc., to be laid in, notice to be given..... 120
- Authority to lay railway tracks in... 188
- Proportion of park fund to be applied in..... 289
- Compromises with lessees of school lands in..... 348
- Constituted and bounded..... 381
- Contains wards, 1, 2, 3, 4, 5 and 6... 382
- Elect a police commissioner.....387, 388
- Elect a member b'd of pub. w'ks.... 387
- Commissioner board of public works appointed from..... 388
- Police court in, authorized..... 512

SOUTH PARK COMMISSIONERS—

- Appointment, oath and bond..... 581
- Term of office..... 581
- Organization of, appointments by.... 582
- Vacancy filled by judge circuit court 582

SOUTH PARK COM'RS, Continued—

Record map of lands taken.....	583
Issue, sell and register bonds.....	584
Transmit annual estimate.....	584
Not to be interested in purchases,	584
How removed from office.....	584
General powers of.....	585
Vacancy declared, when and how ...	585
Control certain streets.....	586

SOUTH PIER—

Not to be obstructed.....	43
---------------------------	----

SOUTHPORT AVENUE—

Northern railroad track on.....	293
---------------------------------	-----

SOUTH-WESTERN AVENUE—

To be macadamized.....	590
------------------------	-----

SPECIAL ASSESSMENT, see Assessment.**SPECIAL ASSESSMENT FUNDS—**

Kept separate by treasurer.....	419
---------------------------------	-----

SPECIAL FUNDS—

Assessment.....	419
Police fund.....	426, 509
Street cleansing and repairs.....	472
Sinking funds.....	472, 492, 537, 604
Sewerage fund.....	473, 538
Water fund.....	473, 580
Insurance rates.....	474
Police life insurance.....	504
For disabled firemen.....	517
To construct fire alarm telegraph....	517
Purchase of fire apparatus, when....	517
Proceeds of sewerage bonds.....	535
Health fund.....	544
School fund, management of.....	551
School tax fund.....	553, 556
Library fund.....	558
Reform school.....	565
Park money.....	585
For payment of cost of land for	
Lincoln park.....	599
Transferred, when.....	625

SPECIAL POLICE—

Not participate in police life ins. fund	504
Wear badge.....	511

SPECIFICATIONS—

Before contracts let.....	10
---------------------------	----

SPIRITUOUS LIQUORS—

Dealers in, to be licensed.....	128
License transferable on conditions...	128
Subject to revocation.....	128
Penalty selling without license.....	129
When sale of, is unlawful.....	129
Sale of, to minors prohibited.....	129
Council regulate sale.....	403
Minimum price of license.....	404
Regulate inspection of.....	406
License to sell, only to parties in	
possession; to females, when.....	409

SPORTS—

Penalty for playing dangerous.....	79
Certain, prohibited in parks.	88

STABLE—

Lights and fires prohibited in.....	22
Council abate nuisance in.....	404
Regulate use of lights in.....	405

STACKS—

Council regulate construction of.....	411
---------------------------------------	-----

STAIR RAILING—

Limit of extension on sidewalk.....	124
-------------------------------------	-----

STATE'S ATTORNEY—

Prosecute for violation of law of	
health department—Fee.....	548
File information against establish-	
ments rendering contrary to law...	549

STATE STREET, see also Wolcott Street—

Base line for numbering north and	
south streets.....	131
Bonds for bridge at, conditionally	
authorized.....	159
Contract for, to be made	159
Railway track in, allowed...188, 189,	193
Chicago City Railway Co., lay tracks	
in.....195, 205, 206	
Railway track from lake to river, on	218
Dummy not to run, north of Egan	
avenue.....	223
Contract for bridge at.....	272
Grade of (Wolcott) permanently fixed	272
Atl. & Pac. Tel. Co. poles in.....	353

STATIONS, see Depot.**STATION HOUSES (POLICE)—**

Board of public works provide and	
furnish.....	508

STAVES AND HEADING—

Council cause inspection of.....	406
----------------------------------	-----

STEAM—

Escape of, from locomotive engine	
prohibited.....	111

STEAMBOAT LANDINGS, see Landings.**STEAM BOILERS, ETC.—**

Test to be applied on inspection.....	66
Owners of, to expose certificate of	
tests.....	66
Safety valves, how loaded.....	67
Duty of owners of, to affix guages,	
etc.....	67
Annual inspection of, to be made....	67
Repairs of, to be inspected.....	67
Owners of, to furnish facilities for	
inspection	68
Council provide for inspection.....	410
Council regulate construction of.....	516
B'd, police " " "	520

STEAM ENGINES—

Council provide for inspection.....	410
Allow use on streets, when.....	412

STEAM POWER—

Prohibited on Chi. City R'y.....193,	196
Chi. & Ca. South, etc. R. R. may use	259
Chi., B. & Q. R. R. may use 264, 265,	266
Chi. & Pac. R. R. Co. may use.....	277

STEAM POWER, Continued—

- Mich. South. & N. Ind. R. R. may use..... 292
 Chi. & Gt. Eastern R. R. Co. may use..... 296
 Col., Chi. & Ind. Cent. R'y Co. may use..... 298
 Ft. W. & Chi. R. R. Co. may use.... 302
 P., Ft. W. & Chi. and Chi., St. Paul & Fond du Lac R. R. Co's may use 305

STEAM TUGS, see Tugs.**STEELE, GEO. AND TAYLOR, ISAAC—**

- Operate track to Chi., Alton & St. Louis R'y..... 326

STEWART AVENUE—

- Chi. & Canada, Southern, etc. R. R. track in..... 258
 Pittsburgh, Fort Wayne & Chi. R. R. tracks in..... 314
 C. Rietz & Bros. lay track in..... 324

STEPS—

- Limit of extension on sidewalk..... 124
 To be removed from street opened... 133

STEWART AVENUE—

- Right of La Salle & Chi. R. R. Co. on..... 632

STOLEN PROPERTY—

- Proceeds of, unclaimed to police life insurance fund..... 504
 How to be kept and disposed of..... 506
 How sold..... 507

STONES—

- Throwing in thoroughfares, a misdemeanor..... 81
 Throwing, prohibited in parks..... 88

STOOP—

- Limit of extension on sidewalk..... 124

STOP-COCKS—

- Obstructing of, penal..... 148
 Council order fixing of..... 452

STORAGE—

- Of gun-powder, etc., regulated..... 39
 Of petroleum, etc., regulated..... 39

STOVE-PIPE—

- Where to be conducted..... 22
 How to be conducted and guarded... 23

STOVES—

- In shops to be surrounded, how..... 22
 Council regulate..... 516

STREET LAMPS, see also Lamp Posts—

- How lighted and extinguished...62, 63
 Inspector of gas meters supervise... 64
 Penalty for tampering with, etc..... 65
 Penalty, tampering with lamp posts 71
 Street signs placed on..... 132
 Trees obstructing to be trimmed.... 136

STREETS—

- Offensive matter not to be placed in 50
 Rails to be used and how to be laid in 55
 Railway tracks in, to be sprinkled... 55
 On which railways to be kept in repair 56

STREETS, Continued—

- Crossings not to be obstructed..... 57
 Penalty for tampering with lamps on 71
 Exposing tied animals on, a misdemeanor..... 76
 Kite flying in, prohibited..... 79
 Fast driving in, made penal..... 78
 Animals standing in, to be hitched... 79
 Noises in, prohibited 80
 Bill posting in, prohibited where.... 80
 Throwing stones in, etc. prohibited.. 81
 Locomotive engines, etc. not to stop on crossings..... 110
 Railroad companies how to proceed when crossings of, obstructed.... 111
 No obstruction by loading or unloading cars..... 111
 Switch house, not to be erected on... 111
 Flagman at crossings..... 112
 Flagmen to ring bell where horse railways cross..... 112
 Penalty for empty cars on, crossings 112
 Notice to be given when garbage wagons will call on..... 114
 Also when pipes, sewers, etc., to be laid in..... 120
 Penalty for excavating in, without permit 120
 When filled, curbstones to be backed 127
 Map adopted for names..... 130
 Base line for, and system of numbering..... 131
 Certificate of number to be taken out 131
 Re-numbering, duty of owner..... 131
 House figures prescribed..... 132
 Penalty, not affixing house numbers 132
 Street signs to be erected..... 132
 Not to be encumbered by building material 132
 Incumbrances to be removed..... 132
 Vehicles prohibited on streets..... 133
 Buildings not removed on, without permit..... 133
 Building not to be erected on..... 133
 Fences, etc., to be removed from.... 133
 Obstructions on, declared nuisance.. 134
 Proceeding to remedy press of teams on 134
 Permits of board subject to regulations 134
 Excavations in, to be protected..... 134
 Penalty, putting rubbish in..... 135
 Penalty, tearing up pavements, etc.. 135
 Penalty, injuring trees on..... 135
 Omnibus driven on right side of.... 142
 Wharfing privileges not to be encumbered..... 153
 Rights of Chi. Gas Light & Coke Co. in..... 172
 Injury to, by gas company not to be caused.....172, 174

STREETS, Continued—

Rights of the People's Gas Light and Coke Co. in.....	174
Authority to lay gas mains in.....	175
Carriage of meats over, regulated....	181
Carriage of bones and grease over, regulated.....	182
Carriage of dead animals over, regulated.....	182
Railway tracks allowed in certain...	188
Horse railway pay part cost of repair.....	189, 191
Conditional right of Chi. C. R'y Co. to lay tracks.....	192
Chi. C. R'y Co. may lay tracks in certain.....	194
Chi. C. R'y Co. to repair, etc., part of	196
North Chi. R'y Co. to repair, etc., part.....	199, 200
Repeal of repair, etc., by Chi. C. R'y Co.....	201
Certain preserved from railway uses	206
Repair of, in connection with extension of tracks to center of river...	210
Lake shore drive to be public.....	240
Lake View Ave. Co. not to obstruct.	243
Taylor, never to be obstructed by certain cars over three minutes....	252
Chi. & Ca. South., etc., R. R. Co. bridge cross streets.....	259
Chi. & R. T. R. R. tracks between State and Halsted.....	280
Right of Ill. & Wis. R. R. Co. to cross.....	288
Of Col. Chi. & Ind. Cen. R'y to cross	298
Position of telegraph poles in, prescribed.....	353, 354
Council prevent fast driving in, etc..	405
Prevent encumbering of.....	405
Prevent sports in.....	405
Prevent noises, etc., in.....	405
Council control.....	405
Council may require railroads to build bridges, etc., at crossings....	405
Council vacate.....	407, 628
And regulate trees in.....	407
Vote required to vacate.....	410
Upon vacation of lot, lines extend to center of.....	410
Allow use of, by railroad and railway companies.....	411
Board of health to scavenger.....	411
Council allow use of dummies on, when.....	412, 418
Board of public w'ks have charge of	432
Board of public works grant permits, move houses on.....	432
Occupancy for building, permit.....	435
Council lay out and discontinue.....	440
Council pave, etc. and repair, and how pay.....	440

STREETS, Continued—

Applications for improvement, and how made.....	441
Proceeding for opening, improving, etc.....	441
Donation of land offset benefits on opening, etc. of.....	443
Proceeding on order to improve, etc.	447
Repairing, etc. of, paid from general fund.....	450
Council order sewers in.....	452
Council order lamp-posts on.....	452
Repair and cleansing, charge on general fund.....	455
Cross walks of, charge on general fund	455
Penalty, damage to.....	455
Council levy two mill tax for lighting	471
Tax two mills for repairs and cleansing.....	472
Labor tax abolished.....	473
Land condemned for, exempt from taxation.....	482
Council levy tax to light.....	492
Board of public works lay water pipes in.....	523
May construct aqueducts along.....	524
Board of public works assess water rents on, where lots abut on distributing pipes.....	526
B. of P. W. lay drains in, etc.....	532
South park commissioners to control certain.....	586
Certain to be improved.....	590
West Chicago park commissioners close, etc., certain.....	592
Vote of council on reducing width of, for park.....	596
Commissioners of Lincoln park vacate, when.....	600
To be laid out, north from Fullerton avenue.....	601
Proceeding by park commissioners to construct sewers in.....	613
Vacation of parts of south, north, west, east Water streets.....	629, 630
STREET SALES—	
At auction, prohibited.....	5
STUD ANIMALS—	
Indecent exposure of, misdemeanor	75
SUBDIVISION—	
Certain, to be submitted to West Chicago park commissioners.....	589
SUBMERGED LANDS—	
Bed of lake granted to Illinois Central R. R. Co.....	290
Same repealed.....	616
SUIT—	
Not discharged by subsequent repeal of ordinance.....	86, 87
In police court, how brought.....	512
Against city only in court of record	573

SUNDAY—

Butchers close stalls, etc. on.....	74
Sale of liquor or games of chance on, a misdemeanor.....	76
No police court on.....	97, 98
Dies non as to pound notices.....	108
Goods not to be exposed on sidewalks on.....	125
Sale of liquor prohibited	128
City weigher's office closed on.....	149
Disturbers of, may be arrested	408

SUPERINTENDENT—

Of removal of bodies from Milliman track.....	44
--	----

HOUSE OF CORRECTION—

Custody of, delivered to him condi- tionally.....	58
What persons he shall receive.....	58
Duty in respect to persons received..	58
To be obeyed by inmates.....	58
Resisting, penal.....	58
To preserve certificates of expiration of sentence of prisoners.....	59
Report quarterly to comptroller.....	59
Council prescribe duties.....	412
Records to be kept by.....	412
Remove employe.....	569
Control institution—His duties, ap- pointment, etc.....	569
Salary fixed by council.....	571
Keep record of discipline.....	571
Oath and bond.....	571

OF PARK—

May open and close parks.....	89
-------------------------------	----

OF POLICE, see also *Police Department*—

Officer of municipality.....	385
Member of police force.....	501
Enter building, etc. on suspicion of felony.....	505
How authorized to enter gaming house, etc.....	505
Orders to force promulgated through	505
Chief of force.....	506
No examination of prisoners in office of.....	508
Administer oath when.....	510
Quarterly and annual reports.....	510

OF RAILROADS—

Furnish engineers copy of ordinance	111
Duty to furnish name of person vio- lating duty under ordinances.....	111

OF REFORM SCHOOL—

Guardians appoint, prescribe duties	561
Duties of stated—Bond.....	561

OF SCHOOLS—

Examine candidates for high school..	117
Officer of city.....	385
Not to receive gift, etc.....	554

SUPERIOR COURT OF COOK COUNTY—

Judges of, appoint members board of health.....	542
--	-----

SUPERSEDEAS—

Appeal, etc. only to operate as, when	490
---------------------------------------	-----

SUPERVISORS OF COOK COUNTY, see*Commissioners, etc.***SUPERVISOR OF TOWN—**

A corporate authority.....	610, 611, 613
----------------------------	---------------

SUPREME COURT—

Award damages when appeal from tax affirmed	497
--	-----

SURPLUS—

On assessment refunded.....	454, 468
Funds of water works invested in bonds.....	529
Park assessments, how applied.....	607

SURVEYOR (LAND)—

Board of public works license and revoke.....	450
Bond, etc., oath of.....	429, 490
Power of, same as county.....	451
Plats by to be approved by board of public works.....	431

SWETT, W. H. & CO.—

Operate track across Grove street....	327
---------------------------------------	-----

SWILL—

To be ready for scavenger.....	114
Penalty if on premises after notice..	114
How removed.....	179

SWINE, see *Hogs*.—**SWITCH HOUSE—**

Not to be upon street.....	111
----------------------------	-----

T.**TALLOW—**

Condensers to be used in rendering..	547
--------------------------------------	-----

TALLOW CHANDLER—

Penalty letting offal flow	83
Penalty for offensive premises.....	84

TALLOW CHANDLERY—

Council abate nuisance in.....	404
--------------------------------	-----

TANKS—

For rendering prescribed.....	184
How to be used.....	185
Removal of offal from.....	185

TANNER—

Penalty for letting offal flow, etc.....	83
Penalty for offensive premises.....	84

TANNERY—

Council regulate.....	404
-----------------------	-----

TAVERN—

Notice to, when garbage wagon will call.....	114
Penalty selling liquor without license	129
Where minors drink, etc., disorderly house.....	129

TAVERN KEEPERS—

Council license.....	403
----------------------	-----

TAX, see also *Assessment and Taxes and**Assessment—*

On dogs fixed.....	14
--------------------	----

A. X., Continued—

Washingtonian home exempt from...	365
On failure to collect, borrow.....	425
Council specify amount of, on assess- ment for street improvement..	448, 449
Of towns, limited.....	472
Street labor, abolished.....	478
For local improvement, when.....	462
Council levy on basis final tax list...	479
A lien on personal property from May 1.....	481, 482
How assessed on persons in business after April 1.....	481
Arrearages to be assessed on newly discovered property.....	482
A lien on all property until paid.....	482
Property condemned for public use exempt.....	482
Proceeding of collector on receipt of warrant to collect.....	483
Penalty, non-payment of.....	484
Rebate of, when.....	485
Assessed or levied in 1872, legalized	486
Personal action for.....	488
Not vitiated by excess of rate in 1872	491
General revenue law apply to levy of	493
Not to exceed 8 per cent. on aggre- gate valuation.....	494
Lien (act 1878) from May 1.....	495
Water, to be levied, when	530
Sewerage, how levied.....	537
For tunnels, not to exceed two mills	539
Council provide for expense of board of health by.....	544
Board of education may not levy.....	556
South park assessment, how levied..	583
Assessed for park purposes, how.....	604

AUTHORIZED—

Public library, etc.....	160
Washington St. tunnel, deficiency....	361
House of correction.....	412, 571
Repairs by board of public works...	438
To improve river, when.....	454
For improvement, when special as- sessment void.....	455
General fund.....	471
Reform school.....	471
Street lighting.....	471
Interest on sewerage debt.....	471
“ general bonded debt..	423, 471
City hall, buildings and grounds.	410, 471
Borrowed money.....	471
School.....	471
Sinking fund, school constr. bonds...	472
Police expenses.....	472
Repair and cleaning streets.....	472
Sinking fund, general bonded debt..	473
Sewerage fund.....	473
Water fund.....	473
Council may levy for general expen- ses, schools and school-houses,	

TAX, Continued—

market, house of correction, pub- lic buildings, bridges, improve- ment of river and harbor, perma- nent improvement to meet interest, for sinking fund, sewers, water and gas.....	492
Library one-fifth mill.....	558
Reform school.....	565
Parks 584, 592, 599, 602, 610, 611, 612, 613	
Supply of water by contract.....	625

TAXATION—

Council may levy certain taxes.....	470
Also school tax.....	471
Tax for sinking fund.....	472
Police tax.....	472
Tax for cleaning, etc. streets.....	472
Sewerage	473
Water works.....	473
Street labor tax abolished.....	473
Taxation of improvements of school land.....	473
Insurance companies per centage....	474
Disposition of such per centage.....	474
Merchandise, how listed for.....	481
Property of insurers, bankers, etc. how listed for.....	481
Land condemned for public use, exempt from.....	482
All property taxable.....	482
May be rebated, when.....	485
Money raised by, for schools, special fund.....	556
Property of South park exempt.....	585
Specific funds raised by, transfered when.....	625

**TAX COMMISSIONER, see Commissioner
of Taxes.****TAXES AND ASSESSMENTS—**

County treasurer, ex-officio, general officer to collect.....	619
Bond of sheriff in certain counties...	619
Bond of treasurer in certain coun- ties.....	620
Collectors make returns to county treasurer.....	620
Treasurer to settle, when.....	620
When delinquent tax list to be re- turned, and how.....	620, 621
Advertisement, sale, etc. of land....	620
Unpaid taxes of prior years.....	620
Powers and duties of collectors.....	620
Account of money received.....	621
Certificate of purchase for taxes, etc	621
Redemption.....	622
New assessment roll for one de- stroyed.....	622
When new roll returned.....	623
Extension of time as to acts follow- ing assessment when.....	623
Proceeding against delinquent land..	623

TAXES AND ASSESSMENTS, Continued—

- Mayor appoint collector or assessor, when..... 623
- Repeal of part of article 9, act April 10, 1872 as to..... 623
- Proceeding by commissioners to assess damages for improvements... 623
- When variance in description of land, how sold for taxes..... 624
- Sale to be made by description in return..... 625
- City may purchase at tax sale..... 625
- Special funds raised by taxation transferred, when..... 625

TAX LEVY—

- To include temporary loans..... 423

TAX LIST—

- Collector enter names on tax warrants when error..... 352
- For each year, how made up..... 479
- Comptroller deliver to collector when 480
- Tax list with warrant only process to collect..... 480
- Commissioner enter list of merchants, etc. on, after April 1..... 481
- Not invalid for informality, etc..... 482

TAX-PAYER—

- Any, may inspect books of collector 495

TAX SALE—

- Collector's liability for wrongful 421, 465
- Sale, special assessments, how made 467
- List of, to county clerk and redemption..... 467
- Proceeds of, to treasurer..... 467
- City may purchase at..... 468
- Authorized on tax roll of 1872, when 486
- On roll of 1872, when to commence 487
- After, county treasurer as etc. make final settlement..... 488
- Only one in each year..... 496
- Treasurer attend and receive money 497
- County treasurer to make..... 620
- Certificate of purchase, redemption, etc..... 621
- How property redeemed from..... 622
- How made when variance in returns of delinquents..... 624

TAYLOR STREET—

- Chi. & Miss. R. R. may cross..... 252
- Never to be obstructed by stoppage of cars..... 252

TEACHERS—

- In high school employed by board of education..... 117
- Graduates of normal department have preference as..... 117
- School fund to pay..... 551
- Council supply deficiency of school fund to pay..... 551
- Board of education supply deficiency of school fund to pay..... 555

TEACHERS, Continued—

- B'd of Ed'n employ and fix salary 555
- " " examine, etc. and remove 555
- Not to be interested in books..... 557

TEAMS—

- To be hitched—Penalty..... 79

TELEGRAPH—

- Atlantic & Pacific Co. erect poles in streets..... 353
- Position of poles prescribed..... 353
- Privilege subject to ordinances..... 353
- Pacific & Atlantic Co. erect poles.... 354
- Position of poles prescribed..... 354
- Franchise subject to ordinances..... 354
- Police and fire, to be constructed.. ... 354
- Contract to be let, how paid for..... 355
- Appropriation to meet payments for 355
- How boxes located..... 355
- United States Telegraph Co. construct 356
- Board of police erect and maintain city..... 500
- Insurance rates accumulate to pay for fire alarm..... 517

TELEGRAPH POLES—

- To be planed and painted where 353, 354
- Position of, in streets..... 353, 354

TENANT—

- Where no agreement to contrary, may retain cost of improvement from rent..... 453

TEN PIN ALLEY—

- Not to be kept for gain except under penalty..... 77
- Owners of house in which, kept liable..... 77
- License to keep issued by mayor.... 77

TERRITORY, ANNEXATION OF, ETC., TO CITIES, ETC., see *Annexation of Territory.***TEST LAMPS (GAS), see also *Gas*—**

- To be tested quarterly..... 62
- Notice of examination to gas company 62
- First lighted to be first extinguished 63
- Board of public works to maintain, where..... 63
- How to be secured..... 63
- Inspector of gas meters to supervise 64
- To be reported upon, when..... 64
- Inspector of gas to attend examination by company..... 64
- Penalty tampering with..... 65

TESTS PROVIDED FOR—

- Quality of gas..... 64
- Of steam boilers..... 66
- Of petroleum..... 94

THEATERS—

- License fees of, to be paid to city collector..... 79
- To be licensed..... 123
- Restrictions of license..... 123
- Council to prescribe entrances, etc... 411

THE CHICAGO WEST DIV. RAILWAY COMPANY, see also *Chi. City R'y Co*—

Incorporated	202
Powers of.....	202
Appointment and power of directors	203
Special powers.....	203
Penalty for obstructing tracks.....	203
Covenants yielding rights on certain streets	208
Track removed from Desplaines to Halsted street.....	210
Release of North Desplaines street from railway uses.....	212
Authority, lay temporary track on Clinton street.....	212
Clinton street track permanent.....	213
New lines authorized.....	216
Animal power only used on.....	217
Furnish facilities for funerals.....	217
Stipulation of Co. as to kind of rail	218
Franchises extended ninety-nine years.....	220
Time of running cars prescribed.....	222
Authority to lay track on Van Buren street.....	227
Right to remove track from Wells st.	228
Time extended to extend track on Van Buren street.....	228

THE PEOPLE'S GAS LIGHT & COKE COMPANY—

Notify board of public works as to laying of pipes, etc.....	120
Incorporated	174
Powers and limitations of.....	174
Capital stock.....	174
Limit of price chargeable for gas.....	175
Ordinance conditionally authorizing the laying of mains.....	175
Act removing limitations.....	175
Capital stock may be increased.....	176
Directorship—Price of gas.....	176
Power to borrow money.....	176
Price of gas fixed by city.....	176
Contract ordered with, for gas at house of correction.....	177, 238

HIRD AVENUE—

Preserved from railways.....	207
Covenant of companies.....	208

HIRTY-FIRST STREET—

Edwin Evans & Co. lay track in.....	319
-------------------------------------	-----

HOMAS, WILCOX & CO—

Operate track in Bates street.....	327
------------------------------------	-----

HOROUGHFARES, see *Streets*.**IPPLING HOUSE—**

Open on Sunday, misdemeanor.....	76
----------------------------------	----

OLL GATE—

One of Lake View Avenue Co. in city	243
-------------------------------------	-----

OWING—

Of vessels at bridges required.....	43
-------------------------------------	----

OWN CLERKS—

Salary fixed in town of Chicago.....	574
--------------------------------------	-----

TRANSPORTATION—

Of meats regulated.....	181
Of bones and grease regulated.....	182
Of dead animals.....	182

TRAVELER—

Porter or runner soliciting, show card	104
Not to be solicited by porters or runners at depots, etc.....	104
Annoyance of, by porters, etc. prohibited	106

TREASURER, see *City Treasurer*, also *County Treasurer*.**PARKS—**

South park appointment and salary.	582
West Chicago park " " ...	588

TREASURY DEPARTMENT—

An executive department—Officers of	414
Duties of department.....	415
Comptroller's bond and oath.....	415
He to keep account of appropriations and receipts.....	415
Supervise revenue officers—Powers..	415
Audit all accounts.....	416
Draw on treasury; doubtful claims, how settled.....	416
Revenue officers report to.....	416
Make annual statement of finances...	417
And annual estimate of expenses....	417
Also monthly statement.....	417
Treasurer—Duties of.....	418
Warrants on, how signed.....	418
How to keep accounts.....	418
Give duplicate receipts.....	418
Make monthly statement.....	418
Distinct custody of moneys—Not to use.....	418
May deposit in bank.....	419
Bank to give bond.....	419
Make annual report.....	419
Keep special assessment funds separate.....	419
Treasurer give bond.....	419
City collector—Duties.....	419
Books, etc. of, subject to supervision—He pay over daily.....	420
Make weekly report and annual statement	420
Not to retain moneys.....	420
Bond of collector	420
Liability of, for selling property when tax paid.....	420
Finance committee examine all reports, when.....	421
Finance committee decide controversies of officers of.....	421
Appointment of assistants in.....	421
Council may prescribe other duties of officers of.....	421
Embezzlement of city money—Penalty.....	421
Oath to official accounts.....	422

TREASURY DEPARTMENT, Continued—

Fiscal year—When appropriations made.....	422
Expenditures of city, limited.....	422
Borrow money to pay special assessment.....	423
Issue bonds for floating debt.....	423
Tax to pay interest on bonds.....	423
Bonds authorized for general expenses, etc.....	423
Also for house of correction.....	424
Also new for maturing bonds.....	424
Registration of bonds provided for..	424
Register of bonds to be kept.....	424
Borrow money to pay interest on funded debt.....	425
Also on failure of revenue.....	425
Also from one fund to aid another...	425
When temporary loans due.....	426
Prohibition as to issue of bonds.....	426
Confirmation of certain acts—Bonds for police expenses.....	426
School bonds authorized.....	427
Water bonds authorized.....	427
Sewerage bonds.....	427
Sewerage and water bonds, term of.....	428
Term of school bonds	428
River improvement bonds.....	428
Expense, etc., not appropriated for, prohibited.....	428
City auditor—Power to appoint.....	428
TREES—	
Injuring in parks, prohibited.....	88
Injuring in streets, penal.....	135
Line of, on streets established.....	135
Penalty for injuring.....	135
Out of line to be removed.....	135
Not to obstruct lamps, etc.....	136
Council regulate planting in streets, etc.....	407
TRUCK STAND—	
Established on Market street.....	142
TRUSTEES I. & M. CANAL—	
Board of public works contract with, for cleaning river.....	539
City may contract with, to deepen canal.....	541
TUCKER, WM. F. AND ASSOCIATES—	
Operate track across Egan avenue...	328
TUGS—	
Not to tow vessels, etc., dragging anchor.....	113
TUNNEL—	
Fort Wayne & Chicago R. R. may build south of Twelfth street.....	302
P. Ft. W. & Chi. and other roads may construct.....	304
TUNNELS—	
Council may require railroads to build.....	406

TUNNELS, Continued—

Power to build.....	538
Levy tax and issue bonds for.....	539
LAKE TUNNEL—	
Authorized	356
Bonds for.....	356
LASALLE STREET—	
To be constructed.....	357
Bonds for.....	357, 358
STREET—	
Rate of speed of vehicles in.....	136
Loose animals not to enter.....	136
Dimensions of loads prescribed.....	136
Penalty violating ordinance.....	136
WASHINGTON STREET—	
Portions of Adams street vacated...	358
Proceeds, bonds for..359, 360, 361, 362, 363	
Conveyance of vacated premises.....	359
Tunnel authorized.....	360
Tax to meet deficiency.....	361
TURNER E. H. & J. S—	
Operate track across Lumber street.	329
TURNER JAMES—	
And Alex. Bell operate track across Archer road.....	316
Give bond to city.....	316
TWELFTH STREET—	
Chi. C. R'y Co. lay track in.....	195
Ill. Cent. R. R. Co. lay side track in	285
P., Ft. W. & Chi. R. R. Co. extend track to.....	303
River to be straightened at.....	335
Not to be closed by park com'rs.....	592
TWENTY-SECOND STREET—	
Bridge at, authorized.....	159
Railway track in, authorized.....	218
Chi., B. & Q. R. R, may cross.....	264
Chi., B. & Q. R. R. tracks in, from Brown to Lumber streets.....	267
Lake Shore & Mich. South. R. R. track bet., and Sixteenth streets..	292
Only two tracks across.....	292
Flagman at crossings of.....	292
T. W. Harvey operate track in.....	320
E. Mendsen Co. operate track in....	322
Pac. & Atl. Tel. Co. poles in.....	354
TWENTY-SEVENTH STREET—	
Wahl, Bros. & Lighthall lay track in	330
TWENTY-SIXTH STREET—	
Wahl, Bros. & Lighthall lay track in	330
Pac. & Atl. Tel. Co. poles in.....	354
TWENTY-THIRD STREET—	
Chi. C. R'y Co. lay temp'y track in..	206

U.

UNIFORM—

Wrongful wearing of police, penal...	101
UNION PARK—	
When to be open.....	89

ION STREET—	
Isaac R. Diller lay track in.....	318
UNITED STATES—	
Council may contract with as to convicts in house of correction.....	571
UNITED STATES TELEGRAPH COMPANY—	
Construct lines in streets.....	356
UNKNOWN OWNER—	
Proceeding against, of animal impounded.....	107

V.

VACATION OF STREETS, ETC.—	
Requirement of vote to cause.....	409
Upon, lot lines to extend to center of streets.....	410
Authority given for.....	628, 629
VACCINATION—	
Board of health order, when.....	48
Child not vaccinated, not allowed in school.....	181
Evidence of.....	181
Certain officers to vaccinate in infected houses.....	186
Penalty for refusal to allow.....	186
VAGRANCY—	
Defined.....	75
Penalty for.....	75
VAGRANT—	
Council punish.....	405
Imprisoned in house of correction...	406
Authorize, etc., arrest of.....	406, 408
Who are.....	407
Children to reform school.....	566
VAN BUREN STREET—	
Chicago City R'y Co. lay track in....	195
Extension of track on.....	227
Time to extend, extended.....	228
Chi. & R. I. R. R. tracks to.....	280
Ft. Wayne & Chi. R. R. Co. extend track to.....	302
P., Ft. W. and other companies lay tracks north of.....	304
Crossing of by R. R. at (then) grade.	311
Depth of channel at.....	338
VAN VECHTEN J.—	
Map adopted for names of parks.....	88
Map adopted for names of streets, with exceptions.....	180
VAULT—	
Penalty for offensive.....	84
VEGETABLES—	
Unwholesome to be seized.....	180
Not to be sold.....	181
VEHICLES—	
Rate of speed over bridges.....	6
Penalty for stopping on bridges.....	7
Cross bridges on right side.....	7

VEHICLES, Continued—	
Order in which, to cross bridges.....	7
Carrying gunpowder, etc. regulations for.....	39
Carrying gunpowder, etc. not to stand on streets, etc.....	40
Not to obstruct crossing of railway tracks.....	56
To give way to railway cars.....	57
Animals attached to, hitched when...	79
Dray and cart wheels to be secured..	79
Law of road concerning meeting.....	79
Not allowed on foot walks of parks...	89
Not to stand on drives of parks.....	89
Not to ply for hire in parks.....	89
Certain, prohibited in parks.....	89
Peddlers, to be marked.....	94
Drivers of, not aiding police punishable.....	101
Drivers, etc., to obey police at depots,	101
Runners and porters not to solicit fares for.....	104
Where cross railroad tracks to be warned by bell.....	112
Not encumber sidewalk.....	126
Not to be driven on sidewalk.....	127
Not to stand, without horses, etc., on streets.....	133
Speed in street tunnels.....	136
Dimensions of load of, in tunnel.....	136
For hire to be licensed.....	137
Licenses for, when to expire.....	137
Sign for, prescribed.....	137
Night signs, prescribed.....	138
Drivers of, to have license.....	138
Fees for licenses.....	139
Tariff of fares chargeable by.....	139
Hack drivers to exhibit card.....	140
Stand for hacks stated.....	141
Conduct of drivers on stand.....	141
Stand at Wells street depot.....	142
Stand on Market street.....	142
Express wagon stands.....	142
Drivers, stand by wagons.....	142
Law of road for.....	142
Board of police state stands.....	143
Drivers of, not disturb peace at depots	143
Penalties, violating ordinance.....	143
Drivers of, not act as porters.....	143
Give way to railway cars.....	143
Extortion by drivers, penal.....	144
Tariff for draymen, etc.....	144
Rates of fare to be posted in.....	144
Misrepresentation by drivers, penal..	144
Drivers of, not to be guilty of indecent conduct.....	145
Power of police over drivers, etc....	145
Carrying meat, to be covered.....	181
For collection of bones and grease, to be covered.....	182
Carrying dead animals, to be covered	182

VENUE, CHANGE OF—

From police courts..... 512

VERDICT.—

Local improvement—Proceeding on.. 460

For damages for park drives, under control of court..... 610

VESSELS—

Carrying gunpowder, where not to discharge 40

Carrying gunpowder to be removed, when..... 40

Proceeding with, adrift..... 42

Speed of, at bridges..... 48

To be towed at bridges..... 44

Rules for their navigation..... 44

Not to drag anchor in river..... 118

Inspection of, for infectious disease.. 546

May be quarantined if infectious disease on board..... 546

VESSEL SIGNALS—

Maintained at bridges..... 8

Described..... 8

To be displayed when..... 8

VETO—

Mayor may, all or part of appropriation ordinance..... 394

Of railroad track location require three-fourth vote of all aldermen... 411

VIADUCTS—

Chicago & Canada South, etc., R. R. Co., to build as directed by board of public works..... 259

To build at Archer avenue..... 262

Chicago & Pacific R. R. Co. build over North avenue..... 278

Columbus, Chicago & Indiana Central to build certain..... 298

To be constructed on Halsted, near Sixteenth street..... 368

On Canal over Sixteenth street..... 364

On Clark, at intersection of Water... 364

As to the last how much chargeable to general fund..... 364

Chicago & Pacific R. R. Co. build over North avenue..... 365

West Chicago park commissioners construct 589

To be built by LaSalle & Chicago R. R. Co..... 633

VICTUALLING-HOUSE—

Penalty for selling liquor without license 129

Council license as to sale of liquor... 403

VISITORS—See Official Visitors.**VOTE OF COUNCIL—**

Two-thirds of aldermen elected, to remove auditor..... 390

Same to remove officer..... 390

Two-thirds, aldermen elected pass over veto..... 394

Mayor has only casting vote..... 401

VOTE OF COUNCIL, Continued—

Unanimous to waive references, when..... 402

Three-fourths aldermen elected to waive engrossment..... 402

When it may be reconsidered..... 402

Majority of all elected on money ordinances..... 402

Three-fourths aldermen elected to vacate street, etc..... 410

Three-fourths aldermen elected to appropriation of celebration fund.... 410

Three-fourths aldermen elected to allow railways on streets..... 411

Three-fourths aldermen elected on veto or ordinance to allow railways etc..... 411

Two-thirds aldermen elected on letting contract to clean and repair streets..... 411

Three-fourths aldermen to allow use of steam on streets..... 412

Two-thirds aldermen prohibit piling of lumber in city..... 413

Three-fourths aldermen to let contract without publication..... 435

Two-thirds aldermen to let contract without publication..... 469

Three-fourths aldermen to employ workmen..... 435

Three-fourths aldermen as to harbor, etc., improvement..... 435

Three-fourths aldermen present as to street improvement not asked for by property owners..... 441

Majority present to levy tax for certain improvements..... 471

Three-fourths aldermen elected to change assessment districts..... 476

Two-thirds aldermen to change manner of assessing..... 480

Three-fourths aldermen to change manner of assessing, over veto..... 480

Two-thirds aldermen elected to levy tax for sinking fund..... 492

Three-fourths aldermen elected to increase police force..... 501

Two-thirds aldermen elected to remit penalty..... 513

Two-thirds aldermen elected to repair fire apparatus by city..... 521

Majority of aldermen as to issue of sewerage bonds..... 535

Majority of aldermen to authorize sale of bonds below par..... 535

Two-thirds aldermen elected as to investment of school fund..... 553

Three-fourths aldermen authorized, to sell school property..... 554

Four-fifths aldermen authorized to abate from rent reserved, etc..... 554

OTE OF COUNCIL, Continued—

Three-fourths of aldermen to close, etc., streets for parks.....	596
To annex two incorporated cities, etc	617
Of municipality on issue of new, to retire maturing bonds.....	619
Of legal voters to transfer specific funds.....	625

W.**WABASH AVENUE**

Chi. C, R'y Co. lay track in.....	195
Preserved from railways.....	207
Release of companies.....	208
R'y track never to be laid in.....	239

WADHAMS, SETH—

Agreement with as to widening river at Polk street authorized.	338
---	-----

WAGON, see Express Wagon, also Truck Stand—

To be licensed.....	137
Sign to be painted on.....	137
Driver, not owner, to be licensed.....	138
Driver wear badge.....	138
Fee for license.....	139
Driver stand by, when.....	142
Driver not act as porter.....	143
Tariff of charges established.....	144

WAGON DRIVER—

Penalty, not aiding police.....	101
---------------------------------	-----

VAHL BROS. & LIGHTHALL—

Operate track over Twenty-sixth and Twenty-seventh streets.....	380
---	-----

VALKER, GEORGE C.—

Agreement as to widening river at Polk street, authorized.....	338
--	-----

VALKER, S. J.—

His grounds to be purchased for house of correction.....	236
Purchase of property from, for water works	368

VARD—

Boundaries of each.....	382
Each represented by two aldermen...	387
Removal from, by officer, create vacancy.....	387
Extended territorially, west.....	587

VARRANT—

Special assessment what contain.....	465, 483
General tax, how made out, etc.....	479
Delivery of tax warrants constitutes lien	481
All, on special assessments to collector.....	483
Proceeding of collector on receipt of	483
For taxes, how made out.....	494
On treasury for police department, how drawn.....	509

WARRANT, Continued—

When issue in prosecution for violating ordinance.....	518
To issue for water rates.....	527
On health fund, how drawn.....	544
On school tax fund, how drawn.....	553
On reform school fund, how drawn...	565
Commitment to reform school, how drawn.....	565
On treasurer for park money, how signed	584, 592

WASHINGTONIAN HOME—

Jurisdiction to commit persons to...	365
City to pay over to support.....	365
Property of, exempted from taxation.....	365
Order of comptroller to pay over percentage of certain license fees.....	366

WASHINGTON STREET—

Hack stand between Clark and La Salle streets.....	141
Preserved from railways	207
Covenant of companies.....	208
Atl. & Pac. Tel. Co. poles in.....	353
Pac. & Atl. Tel. Co. poles in.....	354
Tunnel on.....	358, 360

WATCHMEN AT ENGINE HOUSES—

To have time table for lighting, etc. public lamps.....	62
At fire engine house to keep record of gas.....	63
To report violation of duty of lamp lighters.....	63
Extra salary for reporting gas lighting, etc.....	65

WATER—

Council prevent waste.....	406
Board public works, duty of as to supply of.....	523, 524
Board public works assess rent on lots abutting on streets where distributing pipes.....	526
City may contract and levy tax for...	625

WATER CLOSET PIPE—

Altering without permit, penal.....	121
Damage to, penal.....	121

WATER METERS—

When to be used.....	148
Board public works may attach.....	527

WATER PIPE—

Board pub. works regulate laying	432, 523
Proceeding when ordered laid.....	451
Council order laid.....	452
Board public works may connect with sewers.....	529

WATER RENTS—

Assessment of	526
Attachment of meters to ascertain...	527
Record of to be kept.....	527
Proceeding to collect.....	527
Collection of, due prior to 1868.....	528

WATER STREET—

Chi., A. & St. L.R. R. Co. may lay track in..... 255
Part of, vacated for railroad use..... 271
Chi. & R. I. R. R. Co. extend track to 281
Ill. Cent. R. R. Co. extend track to.. 286
P., Ft. W. & Chi. and other R. R. tracks on..... 304
Keep flagmen at crossing..... 309
Bet. Lake and Franklin sts. vacated 369
Part of E. Water street discontinued 370
" " " " 371
Part of North Water street vacated.. 372
" " " " 373
Part of West Water street vacated... 373
" " " " 374
Part of East and old North Water street vacated..... 375

WATER SUPPLY—

Regulations governing..... 146
Penalty, violation of..... 147
Penalty for obstructing stop cocks... 148
Meters to be used when..... 448
Board of public works regulate..... 529

WATER WORKS—

Connections with, not to be made without permit..... 96
Water near, not to be befouled..... 146
Meddling with public hydrants, penal 146
Injury to hydrants, penal..... 146
Wrongful use of hydrants, penal..... 146
Regulations of water supply stated.. 146
Penalty, violation of water regulat'ns 148
Penalty, obstructing stop cocks..... 148
License to be taken out by parties making connections with..... 148
Water meters to be used, when..... 148
Construction of engine house..... 366
Issues of bonds.....366, 367, 368
Purchase of land to extend... 367
Erection of engines for..... 367
Extension of, authorized..... 368
Purchase land in west division for... 368
How pay for. 369
Part salary board of public works charge on..... 432
Tax to pay interest on bonds of, etc.. 471
Tax to maintain.....473, 492
Board of public works control.....432, 437, 523
Duty of board as to supply of water.. 523
Board may construct reservoirs, etc.. 523
Shall construct hydrants, etc..... 523
May hold realty for purpose of..... 523
Construct buildings, etc..... 524
Purchase books, etc., and make surveys..... 523
And enter upon land and agree as to price of..... 524
Damages for land taken, how ascertained..... 524

WATER WORKS, Continued—

Board may construct aqueducts, etc....., 524
Extend pipes into lake, erect piers etc..... 525
Issue bonds.....427, 525, 531
When council authorizes..... 525
Limit of interest and rate of sale of bonds..... 526
Board keep register of bonds issued.. 526
Comptroller register bonds outstanding..... 526
How bonds and interest to be paid.. 526
Board may assess water rates—Lien of..... 526
May attach meters, when..... 527
Keep record of rates..... 527
Proceedure to collect water rates... 527
Proceeding on failure to collect water rates..... 527
Warrants for water rates, when..... 527
Omitted assessments to be included in next warrant..... 528
Proceeding to collect water rates unpaid May 1, 1863..... 528
Board public works regulate use of water and may shut off..... 529
May use water to cleanse sewers.... 529
Use surplus revenue—Annual report 529
Annual report of tax to be levied.... 530
Temporary loans authorized..... 530
Accounts kept separate and money a special fund..... 530
Penalty for injuring property of or polluting water near..... 530

WAUBANSIA ADDITION—

Ills. and Wisconsin R. R. tracks in.. 283

WEAPONS, see *Concealed Weapons*.

WEIGHER—

To weigh coal sold..... 10
Penalty for false certificate..... 11
Provide hay scales and weigh hay... 46
Scales to be tested quarterly or oftener when..... 46
Keep registry of all hay weighed.... 46
When and at whose cost he shall weigh 46
To weigh and stamp bale hay..... 47
To account with comptroller weekly 47
His compensation provided.....47, 149
To be appointed—Who disqualified.. 148
Bond of..... 149
How to provide scales..... 149
To adjust scales quarterly—Duty of 149
When deputies appointed..... 149
To keep office..... 149

WEIGHER—

Officer of city..... 385
Appointed by council, when.... 389, 406

WEIGHTS AND MEASURES—

Standard of weights prescribed 150, 407
Annual test of..... 150

WHISTLE—

- Railroad, not to be sounded in city,
except when..... 111
- Council regulate use of steam..... 411

WINDOW—

- Bay or oriel, how to be built..... 19
- Bow or other not to extend into side-
walk over certain distance..... 124

WITNESS—

- Board of police provide separate ac-
commodations for..... 508
- Board of police compel attendance of,
when..... 509
- Fees in police court when taxed and
when paid..... 514
- Fire marshal compel attendance of,
when..... 518
- Citizens of Chicago not disqualified as 578

WOOD—

- Fraud in quantity sold, penal..... 152
- Council regulate sale..... 406

WOLCOTT STREET—

- North Chi. R'y Co. lay track in..... 198
- Further right in..... 209
- Railway never to be laid in..... 229

**WORK HOUSE, see also *House of Cor-
rection*—**

- Keepers of, city officers..... 385
- City physician attend sick in..... 398

WORSHIP—

- Disturbance of public, penal..... 80
- Disturbers of, arrested..... 408

WRIT OF ERROR—

- Not delay local improvement, when.. 461
- As to special assessment, how taken 461
- Not delay assessment by party not
taking..... 465
- From judgment, tax 1872, on condi-
tions 490

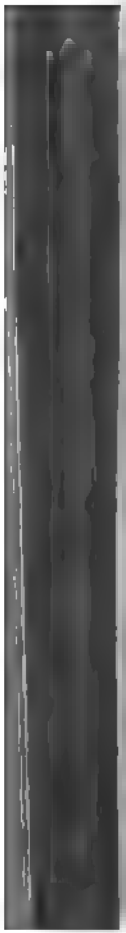
Y.**YARDS—**

- Council may fill up, etc..... 408

YEAS AND NAYS, see also *Vote*—

- When to be recorded in council..... 402
- Taken on vacation of streets, etc.... 410
- Taken on celebration appropriation.. 409
- Taken on use of streets by R. R's,
etc..... 410
- On letting contract to clean and re-
pair streets..... 411
- On changing assessment districts..... 476
- On changing manner of assessing..... 480
- Recorded on increase of police force. 501
- Recorded on expenditures by board
of education..... 556





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A fine of five cents a day is incurred
by retaining it beyond the specified
time.

Please return promptly.

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